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AGENDA



For a meeting of the seventh Campaspe Shire Council to be held on Tuesday, 21 March 2017, commencing at 5:00pm at the Echuca Civic Centre.

OPENING PRAYER

We pray to Almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

The Campaspe Shire Council acknowledges the traditional owners of the land upon which we meet and pay our respect to their elders both past and present.

MEETING PROCEDURES

Please ensure that all mobiles are turned off or switched to silent.

There are Ask a Question Forms just inside the door for anyone who would like to submit a question to Council. Questions forms must be completed within 10 minutes and returned to the tray. Questions will be addressed at the end of the open section of the meeting.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.

BUSINESS

1. APOLOGIES

2. CONFIRMATION OF MINUTES & ATTACHMENTS

For the:

- Open section of the Special Council Meeting held on 7 February 2017
- Open section of the Council Meeting held on 21 February 2017
- Open section of the Campaspe Briefing Session held on 7 February 2017
- Open section of the Campaspe Briefing Session held on 14 February 2017
- Open section of the Campaspe Briefing Session held on 21 February 2017

Recommendation

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

- **Open section of the Special Council Meeting held on 7 February 2017**
- **Open section of the Council Meeting held on 21 February 2017**
- **Open section of the Campaspe Briefing Session held on 7 February 2017**
- **Open section of the Campaspe Briefing Session held on 14 February 2017**
- **Open section of the Campaspe Briefing Session held on 21 February 2017**

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.

4. RESPONSIBLE AUTHORITY DECISIONS

4.1. COUNCIL PLANNING REPORT – FULHAM ROAD, TORRUMBARRY, VIC, 3562, PLN311/2016

ALLOCATED OFFICER:	Ally Wilkie, Acting Senior Planner
RESPONSIBLE MANAGER:	Building and Planning Manager
APPLICATION NO:	Pln311/2016
DATE RECEIVED:	2 November 2016
APPLICANT:	David Merrett C/- Spectrum Planning Solutions
PROPOSAL:	Use and development of the land for a dwelling in the Farming Zone Schedule 1, Environmental Significance Overlay Schedule 1 and Land Subject to Inundation Overlay
SUBJECT SITE:	Fulham Road TORRUMBARRY VIC 3562
ZONING:	Farming Zone Schedule 1
OVERLAYS:	Environmental Significance Overlay Schedule 1 and Land Subject to Inundation Overlay
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	Clause 35.07-1, 35.07-4, 42.01-2,44.04-2
RESTRICTIVE COVENANTS ON THE TITLE?:	No
CURRENT USE AND DEVELOPMENT:	Farm land with existing shed
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:	No
OBJECTIONS:	None

1. Summary Recommendation

It is recommended that Council as the Responsible Authority issue a Refusal. The proposal is for the construction of a single storey dwelling on a lot size of 17.28ha in the Farming Zone Schedule 1 that requires a minimum 'as of right' area for a dwelling of 80ha.

The applicant advised that no agricultural activity is proposed to justify the need of the dwelling on the site. The applicant stated that *"The 'one size fits all' approach of Council that all land in the Farming Zone must be used for agriculture is, with respect in this case, not appropriate"*. The Responsible Authority does not apply a 'one size fits all' approach, rather applications are determined based on all of the relevant decision guidelines of the scheme. The applicant did not provide a detailed response to Clause 35.07 Farming Zone and Clause 22.01 Agricultural Policy and/or include an Integrated Land Management Plan (ILMP) in accordance with the local policy requirements and Decision Guidelines of the zone to justify the dwelling on the land.

The site is within the Farming Zone Schedule 1 (FZ1) with irrigation available and fertile soils and the existing pattern in the area illustrates the land is used for medium to large scale agriculture including functioning dairy farms, grazing and/or cropping. Clause 21.05-1 Economic Development aims to *'discourage land uses that have the potential to compromise agricultural investment, facilitate growth of existing farm businesses', and that 'unplanned rural living should not displace agriculture or prevent flexibility for farm businesses'*. Clause 22.04 Non-Agricultural uses in the Farming Zone Policy builds on Clause 21.05-1 and states "Council discourages uses in the total areas that are not relating to agriculture, or that have an adverse impact on agriculture and future agricultural opportunities."

The planning scheme gives clear direction that this land is not to be used as a 'hobby farm' or for 'rural living opportunities'. The Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05 categorises FZ1 as being for 'growth'

areas for expansion of existing farm businesses and 'consolidation' areas that support existing farm businesses to operate and expand. A review of land holdings in this area also demonstrates that there are numerous 'larger' farms that have been consolidated. There is potential for this land to be consolidated with other land to 'enhance agricultural productivity' and expand existing farm enterprises and the proposal that does not include an agricultural activity that is consistent with the surrounding use is contrary to the objectives and policy of Clauses 21.05-1, 22.01 and Clause 35.07 of the scheme.

The proposal would result in fragmentation and would contribute to the removal of productive farmland making it unviable and/or due to the size undesirable for a larger farming enterprises to consolidate. The site has the potential to form part of other 'agricultural' properties within the area and can be utilised as an 'out paddock' and be associated with an agricultural activity in accordance the purpose of the zone. The objective of Clause 22.04-2 is to "*discourage non-agricultural use and development in all rural areas, other than those that support agriculture*". The proposal does not involve any agricultural activity and is contrary to Clause 22.04-2.

A VCAT case of note determined within our municipality *Zobec v Campaspe SC [2013] VCAT 1830 (29 October 2013)* was an application for a dwelling in the Farming Zone Schedule 2 on a lot with an area of 0.9ha that did not include an ILMP. The Campaspe Shire Council determined to grant a permit, although the officers recommended refusal of the application. Although the proposal could meet some of the policies and requirements relating to the siting of a dwelling it did not meet the local policy because it is a rural residential use that is expressly discouraged. The member advised that it would be an inappropriate exercise of discretion to allow a dwelling that is purely and solely for 'rural living purposes'.

The proposal will result in the land being 'taken out' of agriculture based on insufficient information to support the need for the dwelling and there being no relationship to an agricultural activity. It is considered that the dwelling is contrary to both State and local policy, Clauses 11.05, 14.04, 21.05 and 22.01 and 22.04 and the relevant Decision Guidelines of the Farming Zone and is recommended for refusal.

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 the delegation does not allow officers to determine to refuse a planning application if the application has been 'called in' to a Council Meeting as a result of a majority vote at the Council Briefing Session on 21 February 2017.

5. Proposal

The proposal is for the use and development of the land for a dwelling. The dwelling is proposed to be setback 145m from Fulham Road to the north, and 20m from the eastern boundary. The dwelling is not proposed to be undertaken in conjunction with a broader agricultural use. An integrated Land Management Plan (ILMP) was not submitted as part of the application.

The dwelling is proposed to be a single storey building with a total floor area of 212.29sqm and is proposed to contain three (3) bedrooms, a study, kitchen, living areas and bathrooms. There will be a double garage with an area of 44.75sqm (6.5m x 6.2m). The dwelling will be constructed from grey/brown brickwork with dark grey roof tiles. The height floor to ceiling is 2.7 metres. Access to/from the site is via a new crossover onto Fulham Road.

6. Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

The site is irregular in shape and has a total area of 17.28ha. The site has frontage onto Fulham Road to the north of 687m and contains an outbuilding located within the north-eastern corner of the site. The site contains a number of native vegetation scattered throughout the site. The site is entirely affected by the Land Subject to Inundation Overlay. Access to/from the site is within the north-east corner of the site onto Fulham Road.

The main site/locality characteristics are agricultural properties that have allotments between 27ha to 208ha with some properties made up of a number of Certificates of Title. The area has a history of dairy farming fodder and grazing purposes with infrastructure on properties adjoining the site. The nearest dwelling is located approximately 127m from the northern boundary.

The surrounding context is as follows;

- To the north of the site located approximately 127m is a dwelling is located within the Rural Activity Zone on an allotment with a combined area of 49.9ha.
- To the east of the site is land within the Farming Zone Schedule 1 (FZ1) with an area of 41ha and to the south and west is a property in the same ownership within the FZ1 with a combined area of 208ha made up of a number of Certificates of Title.

7. Permit/Site History

The history of the site includes:

- 2005-047 Use and development of the land for a dwelling was issued. The permit was issued within the Rural Zone. The permit was not acted upon.

8. Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.

The notification has been carried out correctly and no objections were received.

Two letters of support dated 4 and 6 December 2016 were submitted during the advertising period. The letters are summarised as follows:

- The neighbouring property has in excess of 950 acres with the property previously forming part. The neighbour advised that they do not intend to purchase the property back and the land is too small uncommendable for irrigation with too many trees and low lying land that gets boggy during winter. The land is 'useless' without expenditure. There is no desire to purchase this land back from him.
- The farm is currently used minimally for farming and that if the application is approved full use will be able to be made of the 'valuable' farm land and a young family will become part of the Torrumbarry farming community.
- Mr White's block is the location of the original homestead that supported the larger farm. The area is half farming zone and half Rural Activity Zone with bed and breakfast, caravan parks and holiday homes.

Referral Authority	Type of Referral	Consent/ Approve Proposal	Request Permit Conditions	Any other advice notes
North Central Catchment Management Authority	Section 55 (Recommending)	No Response Received	N/A	N/A
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Road Services Department	Information	Consent	Yes	No
Health Department	Information	Consent	Yes	No

11. Assessment

State Planning Policy Framework (SPPF)

The following State policies and objectives are relevant to this application.

Clause 10 - Operation of the State Planning Policy Framework - The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities. The planning policies are directed to land use and development, as required by the Planning and Environment Act 1987, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

Clause 11 - Settlement - The objective of planning is to anticipate and respond to the need of existing and future communities. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

Clause 11.05-1 Regional settlement networks

Objective

To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Relevant Strategies

- Support sustainable development of the regional cities and centres of Ararat, Bairnsdale, Benalla, Colac, Echuca, Hamilton, Horsham, Mildura, Portland, Sale, Shepparton, Swan Hill, Wangaratta, Warrnambool and Wodonga.
- Provide for growth in population and development of facilities and services across a region or sub-region network.

Clause 11.05-3 Rural Productivity

Objective

To manage land use change and development in rural areas to promote agriculture and rural production.

Clause 11.09-5 Agricultural productivity

Objective

To manage and utilise strategic assets and support agricultural productivity.

Strategies

- Plan for marine development and infrastructure that is sensitive to marine national parks and environmental assets.
- Support the sustainable management of key agricultural land.
- Provide support and direction on appropriate locations for the establishment of new agricultural industries.
- Protect strategically important agricultural and primary production land across the region from encroachment from urban expansion, rural residential and other potentially incompatible uses.
- Facilitate changes in agricultural activities over time, encourage diversification and value adding, and provide appropriately timely infrastructure to realise these opportunities.

Clause 11.11-3 Agricultural productivity

Objective

To support and manage rural landscapes.

Strategies

- Protect areas of strategic significance for agriculture.
- Support adaptation of the agricultural sector to embrace opportunities and respond to the potential risks arising from climate change.
- Facilitate ongoing agricultural productivity and investment in high value agriculture.
- Protect and maintain productive land and irrigation assets necessary to help grow the region as an important food bowl for domestic and international exports.

Clause 12 Environmental and Landscape Values – Planning should assist in the protection and conservation of biodiversity including important habitat for flora and fauna. The permitted clearing of native vegetation should result in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Clause 13 Environmental Risk - Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

Clause 13.01-1 – Floodplain Management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Clause 14.01 Agriculture

Clause 14.01-1 Protection of Agricultural Land - To protect productive farmland which is of strategic significance in the local or regional context.

Clause 14.01-2 Sustainable Agricultural Land Use - To encourage sustainable agricultural land use.

Local Planning Policy Framework (LPPF)**Clause 21.01 Campaspe Shire Key Issues and Strategic Vision**

The estimated 2013 population of the shire was approximately 37,000, which is expected to grow to approximately 39,600 by 2031 (VIF 2015) and to 43,000 by 2036 (Campaspe Profile). Compared to other areas of regional Victoria, the shire has a higher population of younger (school age) people and older people. This trend is expected to grow, which may leave a 'population donut', with less working age residents in the municipality.

Agriculture (particularly irrigated primary production) and its processing underpin the economy of the shire and region. Approximately 40 per cent of employment in the shire is in manufacturing, agriculture (including fishing and forestry) and health care. There is also significant employment in tourism related industries such as food services, accommodation and retailing. Recent economic growth has been primarily by growth in health care and social assistance, professional and scientific services and construction.

The key issues facing Campaspe are focused around seven strategic themes:

- Settlement and Housing.
- Environmental and Landscape Values.
- Environmental Risks.
- Natural Resource Management.
- Built Environment and Heritage.
- Economic Development.
- Transport and Infrastructure.

Clause 21.01- 4 Strategic Vision

The Planning and Environment Act 1987 requires that MSS be consistent with the current Council Plan (2013-2017) which outlines the following vision for Campaspe:

"A vibrant place to live, grow and visit, with a thriving, diverse and healthy lifestyle".

Clause 21.02 Settlement and Housing

It is acknowledged that the shire needs to continue to increase its population. In the larger towns, this growth should occur in nominated greenfield locations (such as Echuca West, Kyabram etc.) or by infill development within the larger towns. Beyond this, population growth should be targeted to:

- existing small towns as a first priority, given that the infrastructure capacity of nearly all of the small towns (schools, recreation facilities, water and sewerage) provides these communities with the 'critical mass' to tap into this infrastructure; and
- nominated rural living areas as the second priority for growth, as there is support for some rural living around existing small towns that could further support this existing community infrastructure. This is especially so in those

locations where there is already a settlement pattern of smaller lots that are compromised for agricultural purposes, such as around Kyabram.

While there has traditionally been support for dwellings in rural areas, there are a number of limitations with this option, including the 'right to farm', inconsistency with state policy, the costs that the council will inherit in servicing these new dwellings, the precise location of the dwelling on the land and the impact of the dwelling on farming operations. While a dwelling will often be needed to properly farm the land, any new dwellings must be limited to those that genuinely relate to agricultural production.

Clause 21.02-3 Rural residential opportunities

Objectives

Rural residential development has been a popular and attractive lifestyle choice in Campaspe. Rural residential opportunities on the periphery of urban areas provide a transition in the land use pattern to rural areas.

Isolated subdivisions are another form of rural residential development found in the municipality. An on-going issue in rural areas relates to amenity concerns associated with rural residential development and animal keeping and other agricultural pursuits.

Clause 21.03 Environmental and Landscape Values

The Murray River is an asset of national and state significance. The river and its environs serve a variety of environmental, economic, social, and recreational and tourist functions. A co-ordinated and co-operative approach to planning and management of the river corridor is required to protect its significant values, and to prevent conflict arising from agricultural development, urban development, tourism and recreation development along the waterway and on adjoining land.

Objectives

- To protect the river and environs of the Murray River, recognising its importance for nature conservation, flooding, economic development, recreation and tourism.
- To protect, manage and restore native vegetation, including grasslands and wetland vegetation.
- To avoid and minimise impacts on environmental and biodiversity values.

Clause 21.04 Environmental Risks

This clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework

Objectives

- To adapt to the effects of climate change.
- To promote the use of water sensitive urban design, including stormwater use.
- To protect life, health, safety and community wellbeing from flood hazard.

To minimise the impact of flooding on the community.

Flooding

Sound floodplain management is the critical means by which the economic, social and environmental risks associated with floodplain use and development can be managed. This level of management is provided by seven "local floodplain development plans" which have been prepared by the relevant catchment management authority to provide a performance-based approach for decision making that reflects local best practice in floodplain management.

Clause 21.05 Natural Resource Management

Agriculture

Irrigated primary production and the processing of that product underpin the economy of the municipality and the region. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

It is increasingly evident that prospective agricultural investment is jeopardised, deterred, or lost by land use and development that has the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where the ownership of land is fragmented with housing dispersed throughout. To address this, a Regional Rural Land Use Strategy (2008) identified various categories of farming areas, and recommended different subdivision and minimum lot size provisions for dwellings in each category. Important principles arising from the strategy that have been applied in the rural areas are:

- The minimum subdivision size is always to be less than or equal to the minimum dwelling size in order to avoid expectations and perceptions that there will be an automatic entitlement to erect a dwelling on all newly created lots in the Farming Zone.
- Small lot subdivisions should not create any additional entitlements for a dwelling, nor should they create an opportunity for a dwelling without a planning permit.
- Unplanned rural living should not displace agriculture or prevent flexibility for farm businesses.
- The farming area categories are as follows:
- **Growth and Consolidation areas**, being areas for growth and expansion of existing farm businesses and for new investment. The minimum subdivision size in these areas has been set at 60 hectares, and a dwelling needs a planning permit on all land less than 80 hectares in area.
- **Niche areas**, being those areas with productive potential based on existing lot configuration, and opportunities for smaller scale and specialised agriculture. The minimum subdivision size in these areas has been set at 40 hectares, and a dwelling needs a planning permit on all land less than 40 hectares in area.

Objectives

- To ensure that agriculture is and remains the major economic driver in the region.
- To identify a preferred area for intensive agricultural activities.
- To ensure that use and development does not pose a threat to the sustainable productive capacity of the shire's agriculture economic base.

Clause 21.09 Local Areas

Echuca

Echuca is the largest centre in the shire with a population of about 12,280, although its catchment areas is estimated to include 50,000 people within a 70 kilometre radius. The town is an important commercial, industrial, community, recreational and transportation hub for northern Victoria and southern New South Wales. Echuca's commercial structure is dominated by retail and wholesale trade.

Clause 22.01 Agriculture Policy

This policy addresses two separate issues, which arise in the Farming Zone being rural subdivision and rural dwellings.

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is discouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities, which compromise farming purposes by increasing land prices and introducing residents with 'non-farming' amenity expectations. The existing supply of lots in the Farming Zone is considered sufficient to enable the incremental growth of farms.

Council acknowledges that there is a demand for rural living opportunities in the Shire, but adequate land has been allocated to accommodate this demand. Unplanned rural living results in agricultural land being taken out of production. A rural dwelling will often be needed to properly farm the land, however new dwellings must be limited to those that genuinely relate to agricultural production.

Clause 21.04 identifies new categories within the Farming Zone which distinguish land on the basis of productive capacity, access to water, levels of fragmentation and the existence of dwellings.

This policy provides direction on how discretion will be exercised in terms of dwellings and subdivision in the Farming Zone.

Objectives

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural land.
- To provide for the incremental growth of farming enterprises.
- To provide for small lot subdivision only where there are positive agricultural outcomes and where no additional dwelling entitlements are created under the minimum subdivision area.
- To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.

Policy - Rural dwellings

It is policy to:

- Discourage a dwelling not associated with or required for the agricultural use of the land.
- Ensure that the agricultural use has been established on the land (or an integrated land management plan under Clause 35.07-6 is in place) prior to the construction of a dwelling.
- Ensure that the dwelling is located on a lot of at least 2 hectares in area.
- Ensure that the dwelling is located on a lot created after 1st January 1960.
- Require the landowner to enter into an agreement under section 173 of the Act to:
- Ensure the dwelling is used in conjunction with an agricultural use;
- Prevent the subdivision of the lot containing a dwelling where the proposed lot size is less than the minimum subdivision area specified in the Farming Zone; and
- Acknowledge the impacts of nearby agricultural activities.

Decision Guidelines

- whether the proposed new dwelling is located on a lot that has:
- Legal frontage to a road
- A satisfactory frontage to depth ratio
- Suitable two way vehicle access via an all-weather road.
- Adequate buffers to protect residential amenity from the impacts of agricultural activity.
- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence of an integrated land management plan under Clause 35.07-6 or similar, addressing the relationship between agricultural activities on the land and the proposed dwelling.
- The agricultural productive capacity or the agricultural potential of the land.
- The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.
- The lot size, context and physical characteristics of the land.
- Whether the dwelling results in a rural living or rural residential outcome in the area.
- The potential for land to be consolidated with other land to enhance agricultural productivity.
- Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options.

Clause 22.04 Non-Agricultural uses in the Farming Zone Policy

Policy Basis

This policy builds on the MSS strategies at Clause 21.05 regarding potential land uses and developments that may impact on agricultural activities and investment. The Farming Zone was significantly modified in 2013, after the adoption of the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (2010). An array of new discretionary uses was introduced, many of which had been prohibited at the time of the preparation of the strategy.

In terms of land use, the preferred mix of uses in the Farming Zone includes those that support agricultural activities and associated rural industries that maintain and build the economic base of the shire. Council discourages uses in the rural areas that are not directly related to agriculture, or that have an adverse impact on agriculture and future agricultural opportunities.

Objectives

- To identify a preferred mix of land uses in rural areas.
- To promote appropriate land use and development within rural areas.

- To discourage non-agricultural use and development in all rural areas, other than those that support agriculture.

Zoning

Clause 35.07 Farming Zone (FZ) – Provides for the use land for agriculture, to ensure that non-agricultural uses including dwellings, do not adversely affect the use of land for agriculture and to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The site is affected by Schedule 1 of the Farming Zone. A permit is required for the use of the land for a dwelling as the lot is less than 80 hectares and is a Section 2 (permit required) pursuant to Clause 35.07-1. A permit is required for buildings and works associated with a use in Section 2 pursuant to Clause 35.07-4.

Overlays

Clause 42.01 Environmental Significance Overlay (ESO1) – Ensures that development if compatible with identified environmental values. The site is affected by Schedule 1 Murray River Corridor. A permit is required to construct a dwelling pursuant to Clause 42.01-2.

Clause 44.04 Land Subject to Inundation Overlay (LSIO) – Identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority and seeks to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. A permit is required to construct a dwelling pursuant to Clause 44.04-2.

Relevant Particular Provisions

Clause 65 Decision Guidelines - Sets out decision guidelines for the responsible authority to consider in ensuring acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

Relevant incorporated or reference documents

- Council Plan 2013-2017
- Regional Rural Land Use Strategy 2008-2010
- Local Floodplain Development Plan Precinct of the Murray River 2010

Relevant Planning Scheme amendments

N/A

12. Summary of Key Issues

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and consideration of risk. The application proposes a dwelling on a lot of approximately 17.28 ha (Crown Allotment 8 Section 8 Parish of Torrumbarry North). A permit is required for the use and development of the land for a dwelling as the lot is less than 80ha as specified in the Farming Zone Schedule 1.

History/Further Information Request

As part of the justification for the dwelling on the site the applicant referred to the previous planning permit (2005-047) that had been issued. The application did not include a detailed response to Clause 35.07 Farming Zone and Clause 22.01 Agricultural Policy and/or provide an Integrated Land Management Plan (ILMP) to justify the dwelling on the land in accordance with the current zone and local policy requirements.

Planning permit 2005-047 was issued in 2005 for a dwelling and expired in 2009. There have been a number of planning scheme amendments since the permit was issued with more performance based controls and policy 'discouraging' dwellings not associated with a genuine agricultural activity. The land was extensively reviewed as part of Amendment

C69 that implemented that findings of the Regional Rural Land Use Strategy 2010 and rezoned the land to the Farming Zone Schedule 1 (FZ1). The strategy categorised the site as being within a 'growth and consolidation area' to allow the expansion of existing farm businesses. The dwelling on the site will 'take the land' out of agriculture and limit the expansion and consequently will impact on the operation of surrounding and adjoining properties.

The applicant advised in response to a further information request that *"this application is not put to Council under the charade that the land will be used for agriculture that will viably support a dwelling on the land"*. This was said to be due to *'marginal agricultural value'*, and due to *'its low lying conditions it cannot be cropped especially in winter and spring due to its boggy conditions'*. The dwelling is contrary to local policy because it is a *'rural residential use'* that is proposed and that is expressly discouraged within the FZ1 as it is not associated with agricultural activity contrary to Clause 21.05-4, 22.01 and 22.04.

The applicant also advised that the site is in proximity to the Rural Activity Zone (RAZ) being located to the north and that the land has a 'greater relationship' with the RAZ land as the Murray River is located in proximity to the site than the 'broader farming activities'. It is noted that the purpose of the Rural Activity Zone is for agriculture and tourism associated with the Murray River and agricultural uses. The zone is more restrictive than the Farming Zone, as a dwelling is a section 2 use (permit required) with no minimum lot size compared to the Farming Zone. The applicant advised that the criteria for the RAZ remain relevant to the assessment of a dwelling, however, it is policy that an ILMP also be submitted to justify a dwelling in the RAZ and be associated with an agricultural use. Below map shows the land within the Farming Zone and surrounding allotments that are large in size and in contiguous ownership in the Farming Zone.



A letter of support dated 4 December 2016 was submitted as part of the application from the adjoining neighbour who advised they have in excess of 950 acres. The letter stated that *"the land is too small, uncommendable for irrigation with too many trees and mostly low lying land that gets boggy during winter"*. It is noted that this letter is from the original owner of the land who sold the property to the applicant. Another letter dated 6 December 2016 was also submitted as part of the application from a landowner who is not a direct abuttal. The letter states that the farm is *"marginal and throughout winter had significant ground cover of water and grew poor quality feed."* In addition, due to crime rate and a dairy farm being on the market and the population decline the prevention of development results in the end of the community.

The Campaspe Planning Scheme gives clear direction that this land is not to be used as a 'hobby farm' or for 'rural living opportunities'. The applicant has not been able to appropriately demonstrate the need for a dwelling as the application

does not propose an agricultural activity to be associated with a dwelling and did not provide an Integrated Land Management Plan and/or other supporting information. It is inappropriate to exercise discretion and issue a permit in this instance based on the information provided. The proposal is inconsistent with the policy basis of Clause 21.05 and Clauses 22.01 and 35.07-6 of the Campaspe Planning Scheme.

Policy

The State Planning Policy Framework - Clause 11.05-3 Rural Productivity aims to 'limit new housing development in rural areas'. Clause 14.01-1 Protection of agriculture land, aims to 'ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use'. Clause 14.01 Agriculture also considers 'the impacts of removing the land from primary production, given its agricultural productivity'.

Clause 21.05-1 Economic Development aims to '*discourage land uses that have the potential to compromise agricultural investment, facilitate growth of existing farm businesses*', and that '*unplanned rural living should not displace agriculture or prevent flexibility for farm businesses*'. Clause 22.04 Non-Agricultural uses in the Farming Zone Policy builds on Clause 21.05-1 and states "*Council discourages uses in the rural areas that are not directly related to agriculture, or that have an adverse impact on agriculture and future agricultural opportunities*". The dwelling is not associated with an agricultural activity and is more akin to a 'residential use' that is discouraged within the zone.

The site is within the Farming Zone Schedule 1 (FZ1) as is the surrounding area with irrigation available and fertile soils and the existing pattern in the area illustrates the land is used for medium to large scale agriculture including dairy farming, grazing and cropping. The Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05-1 and 22.04 categorises FZ1 as being for 'growth' areas for expansion of existing farm businesses and 'consolidation' areas that support existing farm businesses to operate and expand. A review of land holdings in this area also demonstrates that there are numerous 'larger' farms that have been consolidated. There is potential for this land to be consolidated with other land to 'enhance agricultural productivity' and expand existing farm enterprises.

Clause 21.05-1 states that '*It is increasingly evident that prospective agricultural investment is jeopardised, deterred or lost by land use and development that has the potential to compromise the scale and location of such investment*'. '*Agricultural investment is far less likely where the ownership of land is fragmented with housing dispersed throughout*'. Clause 22.01 Agricultural Policy states '*A rural dwelling will often be needed to properly farm the land, however new dwellings must be limited to those that genuinely relate to agricultural production*' and '*discourage a dwelling not associated with or required for the agricultural use of the land*'. Allowing a dwelling not associated with an agricultural activity is likely to set a planning precedent that will lead to degradation of agricultural values and a concentration and proliferation of dwellings within the FZ1 contrary to policy.

The proposal will erode the opportunity for other surrounding landowners to expand which are key decision guidelines, highlighting reasons for not supporting dwellings in the farming area which are not related or required to support the agricultural use. Clause 22.04 Non Agricultural uses in the Farming Zone Policy discourages non-agricultural related uses in the Farming Zone. The policy builds on Clause 21.05 regarding potential land uses and development that may impact on agricultural activities and investment. The objectives of Clause 22.04 is "*to promote appropriate land use and development within rural areas, to discourage non-agricultural use and development in all rural areas, other than those that support agriculture*". The dwelling is contrary to the objectives of the zone and local policies.

VCAT Decisions

When making decision, officers are mindful of similar proposals and relevant cases which have been determined by VCAT. In this instance there are two (2) of note which have been determined within our shire and one with a broad acre farming character similar to the character considered within this application which was a Red Dot decision (established case law).

Zobec v Campaspe SC [2013] VCAT 1830 (29 October 2013) was an application for a dwelling in the Farming Zone Schedule 2 on a lot with an area of 0.9ha that did not include an ILMP. The Campaspe Shire Council determined to grant a permit (contrary to the officer recommendation). This was then challenged by an objector. Although the proposal met some of the policies and requirements relating to the siting of a dwelling it did not meet the local policy because it was a rural residential use that is expressly discouraged. Although this was an already created 'small lot' in a fragmented area this did not persuade the Tribunal to accept the argument having regard to the local policy that was for 'niche areas' (Farming Zone Schedule 2) and the potential for the land to make a contribution to the area if consolidated. The member

advised that it would be an inappropriate exercise of discretion to allow a dwelling that is purely and solely for 'rural living purposes'.

Kerr v Campaspe SC [2015] VCAT 1337 (26 August 2015) was an application where the decision of the responsible authority was affirmed to issue a planning dwelling in the Farming Zone Schedule 1 (FZ1). The application proposed a dwelling in the Farming Zone Schedule 1 with an area of 9ha that was formally a disused sand mine. The activity did not solely rely on horses as the agricultural activity, with the dominant activity comprising of a composting facility (vermiculture) that would use horse manure as part of the production. The applicant sufficiently demonstrated that the proposed agricultural use of the land required a dwelling. Although the site was a disused sand mine the Tribunal found the proposal was an acceptable planning outcome, particularly given that it will result in an adaptive re-use of land, be more productive and provide a new investment within the agricultural sector consistent with the local policy.

Bourke-Finn v Ballarat CC & Anor [2013] VCAT 908 (5 June 2013) was for a dwelling in the Farming Zone on a lot of 2.5ha for thoroughbred horse breeding and keeping operation on the property. The area surrounding the site had already been physically fragmented by earlier subdivision and development, however the remaining land is largely characterised by dispersed dwellings with the land being used to support broad scale agricultural use. The Tribunal stated "*Even if this locality were to have a rural living character, I am not persuaded that this is sufficient reason to set aside the zoning and its clear purposes to advance agricultural use of the land*". Accordingly, the requirements of the Farming Zone and associated planning policy apply.

When considering these decisions it is noted that the site is located within the Farming Zone Schedule 1 which is identified for growth and consolidation pursuant to Clause 21.05-1 of the scheme. The surrounding context of the subject site is large landholdings associated with broad scale agricultural use and when used in conjunction with others can support larger scale agricultural enterprises that are being carried out within the area. The site does not have to be consolidated within adjoining properties but it may form an 'out paddock for stock' or be managed for fodder production that is consistent with the purpose of Clause 21.05, 22.01, 22.04 and 35.07 of the scheme.

The decision guidelines include policy about the surrounding context, fragmentation, consolidation, farming enterprises, positive outcomes, agricultural activity, etc. In this instance the site is located within the Farming Zone Schedule 1 (FZ1) and does not propose an agricultural activity to justify 'a full time residency'. By allowing the approval of such application it could possibly open up similar type proposals which would result in a proliferation of dwellings contrary to policies.

Other matters

The site is within the Environmental Significance Overlay Schedule 1. The location of the dwelling does not require the removal of native vegetation and the application was referred to the Environmental Health Department for comment. The department consented provided conditions (if issued) to be included requiring an aerated system to meet relevant EPA setbacks.

The site is within the Land Subject to Inundation Overlay (LSIO) and the application was referred to North Central Catchment Management Authority who did not provide a response within the specified timeframe under the Planning and Environment Act 1987. The application was referred to Road Services for comment and conditions requesting a rural vehicle crossover location would be required to be placed on a permit, if issued.

13. Conclusion

This application is to the detriment of the viability of the agricultural base of the Shire and is not in accordance with the policies and objectives of the SPPF, MSS and Local Policies of the Campaspe Planning Scheme. The proposal did not include an Integrated Land Management Plan (ILMP) to justify the dwelling with an agricultural activity in accordance with local policy requirements and Decision Guidelines. The proposal would result in fragmentation and would contribute to the removal of productive farm land make it unviable and undesirable for other farming enterprises contrary to the zone and policy. It is recommended that the application not be supported and that a refusal be issued.

14. Recommendation

That Council as the Responsible Authority under the Planning and Environment Act 1987:

- **having caused notice of Planning Application No. PLN311/2016 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and

Having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to refuse to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-4, 42.01-2, 44.04-2 of the Campaspe Planning Scheme in respect of the land known as Vol. 10974 Fol. 511 and described as Fulham Road, Torrumbarry for the for the use and Development of the Land for a Dwelling in the Farming Zone Schedule 1, the Environmental Significance Overlay Schedule 1 and Land Subject to Inundation Overlay, with the application dated 2 November 2016, subject to the following grounds of refusal:

- **The dwelling is contrary to State Planning Policy Framework of Clause 11.05-3 Rural Productivity, Clause 14.04-1 Protection of Agricultural Land and Clause 14.01-2 Sustainable Agricultural Land Use.**
- **The dwelling is contrary to Local Planning Policy Framework of Clause 21.05-1 Natural Resource Management of the Campaspe Planning Scheme.**
- **There is no agricultural activity conducted or proposed on the land that requires a dwelling and is contrary to the Decision Guidelines of Clause 22.01 Agricultural Policy.**
- **The dwelling is contrary to the objectives and policy of Clause 22.04 Non-agricultural uses in the Farming Zone Policy as the dwelling is not associated with an agricultural use.**
- **The proposal is contrary to the relevant decision guidelines of Clause 35.07 Farming Zone of the Campaspe Planning Scheme.**
- **The proposal is contrary to orderly planning and contributes to fragmentation.**

5. PLANNING AUTHORITY DECISIONS

6. COUNCIL DECISIONS

6.1. COUNCIL SUBMISSION TO THE SENATE INQUIRY CONCERNING DECENTRALISATION OF GOVERNMENT ENTITIES

Author:

Andrew Cowin, Corporate Strategy Manager

Attachments:6.1. Copy of submission to Senate Finance and Public Administration Committee

1. Purpose

To formally present Council with a copy of a submission from to the Senate Finance and Public Administration Committee's Inquiry into the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016*.

2. Recommendation

That Council:

1. **Ratify the submission to the Senate Inquiry into the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016.**
 2. **Note that Council's submission will be made available on council's website and copies provided to relevant agencies and politicians as required including:**
 - **The Federal Member for Murray – Damien Drum MP**
 - **Senator for Victoria - Senator Bridget McKenzie**
 - **Minister for Regional Development; Minister for Local Government & Territories - Senator the Hon. Fiona Nash**
 - **Deputy Prime Minister - the Hon. Barnaby Joyce MP**
-

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 Federal Government's Senate Finance and Public Administration References Committee is conducting an Inquiry into the operation, effectiveness and consequences of relocating government entities to regional Australia. This Inquiry follows the issuing of a government policy directive for corporate Commonwealth entities with agricultural policy or regulatory responsibilities to be located in a regional community.

Council has been invited to contribute to the Inquiry by way of letter from the Deputy Prime Minister, the Hon. Barnaby Joyce MP, and the Minister for Regional Development, Senator the Hon. Fiona Nash.

While the background to the launching of the Inquiry is complex - stemming in part from the rapid relocation of the Australian Pesticides and Veterinary Medicines Authority (APVMA) to Armidale, NSW, in late 2016 - officers have assessed that there is merit in participating in the review on account of:

- The potential for ongoing policy support for decentralisation at a Federal level
 - The ability for council to provide its views on the criteria for candidate localities and candidate government entities
 - The ability for council to raise the profile of Campaspe Shire and the Loddon Mallee region as a potential candidate location
-

7. Content

Decentralisation policies have been considered at various levels of government over the years, with the intention of assisting regional economies and bringing government functions closer to stakeholder communities. For example, in New South Wales there are a number of State government agencies and bodies with head offices in larger regional centres. In Victoria, WorkSafe has recently relocated from Melbourne to Geelong.

Council's submission has identified a number of benefits to be realised from a successful decentralisation policy, including:

- Improved decision-making:**
 - The potential for reduced bureaucracy in decision making
 - More informed decision-making, with greater understanding of localised impacts
 - Improved contact with on-ground stakeholders and customers
 - Cost savings:**
 - Reduced accommodation costs
 - Economic benefits:**
 - Economic diversification and expansion in the regions
 - Improved regional employment
 - Enhancement of regional skills and career choice
 - Personnel benefits:**
 - Affordable housing
 - Lifestyle opportunities
-

Notwithstanding these potential benefits, it is essential that decentralisation can demonstrate benefits for both the functioning of the agency in question as well as the host community. Some challenges that can arise from decentralisation may include:

- Effective joint decision-making with centralised entities
- Availability of suitable accommodation for the entity
- Impediments to relocation of existing personnel
- The need to attract and retain suitably qualified and experienced personnel

Owing to the benefits and challenges of decentralisation, council's submission makes a number of broad recommendations to ensure that decentralisation policy can achieve rounded beneficial outcomes. Council's recommendations include:

- That a policy environment encouraging strategic decentralisation of specific government entities (or components thereof) to regional Australia be maintained.
- That decisions concerning the decentralisation of government entities be made independently via a transparent process, achieve a positive cost-benefit analysis, and include extensive consultation.
- That candidate localities under review be of a size and character that would possess or attract suitably qualified staff, have adequate transport connections, and be regionally proximate to higher places of learning.
- That a decision to relocate a government entity be accompanied by strategic transition planning so as to minimise impact on the entity's operational capabilities.

Council's submission identifies the opportunities afforded by Campaspe and wider Loddon Mallee region as a future candidate for government bodies or components thereof, in particular due to the strength of local agricultural production and processing. The submission additionally presents economic modelling to determine the local benefit if a small government unit were to relocate to the region. For example, council's modelling indicates that the relocation of 100 professional scientific and technical services positions to Campaspe alone would have the effect of:

- Increasing total economic output by approximately \$45m
- Providing an additional 72 new jobs in the community (in addition to the 100 government positions)
- Yielding a \$13m increase in local wages and salaries
- Boosting value-added production and consumption by \$22m

A copy of the submission is provided at Attachment 6.1.

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: Ratify the submission as lodged

This option is recommended by officers.

The submission underpins council's program of advocacy and is consistent with the thrust of council's endorsed Advocacy Priorities 2016-2018 document, in particular responding to calls for regional investment.

Given the short timing for lodgement of submissions (due 10 March 2017), the lodged submission is provided here for Council's ratifying.

Option 2: Withdraw the submission

This option is not recommended by officers.

As the submission supports regional economic development, advancing Campaspe and the Loddon Mallee region as candidates for potential future government investment.

10. Strategic Planning Environments

Prosperity: The provision of a submission to the Inquiry directly supports a number of strategies under Strategic Directions #1, #2, and #4 including '*Advocate for infrastructure that support business establishment and development*'. The submission is consistent with council's endorsed Advocacy Priorities 2016-2018 document.

Place: No impact

People: No impact

Organisation: The recommendation upholds council's commitment to advocacy as a core service of the organisation to support Campaspe communities.

11. Consultation

Detailed consultation was not undertaken in developing the submission as it has simply sought to compile the views of the organisation where previously endorsed by Council. The submission does not introduce any unanticipated positions.

Internally, consultation was undertaken with:

- Chief Executive Officer, regarding council's strategic position
- Investment Attraction Manager, regarding the modelling of economic impacts to Campaspe

6.2. KYABRAM TOWN HALL TOILET PETITION

Author:

Shane Stacey, Community Places Project Officer

Responsible Manager:

General Manager Economic & Community Development

Attachments:

6.2. Petition regarding Bradley Street Carpark Public Toilets

1. Purpose

To present a petition from the Kyabram Deakin Ratepayers Residents Development Group Inc. (KDRRDG) regarding the Bradley Street Carpark Public Toilets.

2. Recommendation

That Council:

- 1. Receive the petition regarding the Bradley Street Carpark Public Toilets as presented by the Kyabram Deakin Ratepayers Residents Development Group Inc. (KDRRDG).**
 - 2. Affirm the previous resolutions relating to the Kyabram Town Hall (Bradley St.) Toilets including:**
 - a. Tactical Approach to Toilets as resolved in June 2014;**
 - b. Kyabram Town Hall Future Management as resolved in August 2016; and**
 - c. Tactical Approach to Toilets Strategy Implementation Plan as resolved in September 2016.**
 - 3. Note that the toilets referred to as the Bradley Street Carpark toilets will be retained as facility based toilets at the Kyabram Town Hall.**
-

4. 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.

5. 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*.

6. 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.

7. Background

The KDRRDG have submitted a petition on behalf of the residents, ratepayers, visitors and tourists in Kyabram which seeks:

“That the Shire of Campaspe continue to fund and operate the male and female public toilets at the back of the Kyabram Town Hall, maintaining current hours of approximately 7am to 10pm seven (7) days a week.”

The petition is a result of planned changes to the operation and management of the toilets at the Kyabram Town Hall, also referred to as the Bradley Street Carpark Toilets. Below is a summary of the actions which have led to a planned change in operation.

In June 2014 council adopted the Tactical Approach to Toilets report which included a recommendation to no longer operate the Kyabram Town Hall toilets as a dual facility servicing the Town Hall and as public toilets once the proposed new facility at the Memorial Gardens was operational.

The Transit Centre toilets are recognised as the Public Toilet facility provided by council to service the Central Business District of Kyabram. These toilets were upgraded in recent years to improve their amenity and accessibility compliance.

The Memorial Gardens Committee, with representation from a number of community organisations including Kyabram RSL, Community Planning Group, the Development Group and affiliations with the Ratepayers Association advocated to Council for the construction of a new public toilet in the Memorial Gardens which has the capacity to service central Kyabram for visitors and tourists as well as locals. At the council Meeting, 19 February 2013, it was resolved that the proposal to build a public toilet at the Kyabram Memorial Gardens would be formally considered after the completion of the Financial Sustainability Review into public toilets. At the council Meeting, 20 May 2014, Council formally resolved to construct new toilets in the Memorial Gardens. Construction of these toilets was completed in 2016.

In August 2016, council resolved to enter a permanent lease arrangement with Kyabram Town Hall Committee Incorporated (KTH) for ongoing tenancy of the Town Hall. The toilets form part of the amenity of the building which KTH occupy. Operation of the toilets at the hall was negotiated with KTH prior to presenting recommendations to council to establish the permanent lease agreement. The Resolution (Item 6.4 Point 5) states that Council:

“Endorse the KTH Inc. request to operate and maintain the toilets at the hall (also known as the Bradley Street Car Park Toilets) for both venue and public use subject to the following conditions:

- a. KTH Inc. will operate the toilets for public convenience at the discretion of KTH Inc.”*

The intention of KTH is to make the toilets available to the general public during opening hours for the Town Hall, approximately 10am to 3pm daily and at other times when the hall is being used.

The operation of the Town Hall toilets is to be handed over to KTH once the Lease Agreement has been signed off, nominally 24 April 2017, thereby giving control of the building inclusive of amenities to the tenant. Currently the toilets are still being operated by council with no change to the hours or cleaning regime.

In September 2016, council endorsed the recommendations of the Shire Public Toilet Implementation Plan. The Implementation Plan reiterated the recommendation that the Kyabram Town Hall (Bradley Street carpark) be transitioned to the Hall committee in line with previous council resolutions and agreements with representatives of community organisations.

8. Content

KDRRDG have submitted a petition to council which seeks to retain the historical use of the Kyabram Town Hall toilets as both facility (hall) and public toilets. This petition seeks to reverse previous council decisions and agreements.

The petition organisers to date has collected over 1,600 signatures. The justification to retain the toilets for both hall and public use is given as:

- a. *The public toilets in the Bradley Street carpark are valued and used by the community; and*
- b. *Significant changes resulting in the revitalisation of the Town Hall.*

The petitioners' justifications have been considered below:

- a. Council provides public toilets within approximately 100 meters, on the next block, from the Bradley Street carpark at the Transit Centre. These facilities service the community and travellers, particularly visitors who arrive by public transport (buses). Public Toilets are also available at the Memorial Gardens which have a demonstrated value by the community; and
- b. The toilets at the Hall are available at all times for hall patrons as well as the general public during opening hours and events at the Hall. This means that these toilets are available when needed and align with the changes resulting from the revitalisation of the Town Hall.

The operation of the Kyabram Town Hall toilets as a facility based amenity is consistent with council directions and has been undertaken after consultation with community representatives to achieve outcomes based on multiple objectives. The implementation of council resolutions are consistent with the principles adopted for the provision of public toilets in central business districts for all towns, Kyabram is adequately provided for at the Transit Centre with the bonus of access to the Town Hall Toilets between 10am and 3pm.

9. Issues and Risk Management

Issues:

Issue 1: Meeting Service Levels

Central Kyabram is serviced by two council operated public toilets, the Transit Centre and the Memorial Gardens. These toilets fit within the principles adopted by council for the provision of public toilets. The Town Hall toilets will also be available during opening hours for the hall giving the community an additional option.

There are a number of other available toilets in the main areas of the town, these include:

- Kyabram Service Centre & Library
- BP Service Station
- Kyabram Fauna Park
- Kyabram Club
- Kyabram Hotel

Toilets are also available in cafes and some retail premises. It may be argued that toilets within businesses are only available to customers however it is not unreasonable to assume that members of the local community (shoppers), visitors and tourists are likely to be customers of these businesses therefore these toilets can be used by members of the public.

Community understanding of service levels may be unclear particularly in the area of the licensing obligations by certain businesses and venues to provide toilets for customers (and staff). Awareness of the broad availability and council's service obligations may need to be further advertised to the Kyabram community.

Note: The Local Government Act Objectives of a council includes Clause 2(b) "to ensure resources are used efficiently and effectively and services are provided in accordance with Best Value Principles to best meet the needs of the local community". Services levels are based on this objective.

Issue 2: Adoption and Implementation of Council Strategies and Policies

The formulation of strategies and policies by council are conducted after significant investigation, research and subsequent community consultation. The Tactical Approach to Toilets has undergone a lengthy process including public display for comment and amendment prior to being adopted by council.

The council decision to close the Kyabram Town Hall toilets as public facilities has been subject to three debates in open council meetings. The outcome of each meeting has reinforced the original recommendation in the Tactical Approach to Toilets strategy to close these toilets as a public facility.

The three council meetings over approximately three years have provided significant opportunity for community input, debate and consideration in making this decision. No previous petition nor presentation has been made by sectors of the community challenging the recommendations indicating a level of community acceptance regarding council decisions. Recent advocacy within the community appears to have led to this petition which fails to acknowledge the provision of alternative public toilets in the town along with the proposed availability of access to the Town Hall toilets during opening hours for the facility.

Community comments were considered before finalising recommendations to council. Changing the resolutions of council which considered this strategy may create a precedence which will adversely impact on the implementation and long term effectiveness of adopted strategies and policies in the Shire.

Risk:

The recommendation of officers has considered the most significant risk relating to the request from KDRRDG.

The risks relate to the identified impact on strategy and policy implemented to achieve fair, equitable and sustainable services to communities across the Shire.

Risk	Likelihood	Consequence	Rating	Mitigation action
Financial	Almost Certain	Major – Curbing of programs and other services due to blowout in expenditure as a result of extending deemed service levels to communities.	High	-Adhere to the recommendations of the Tactical Approach to Toilets and previous decisions guided by the Financial Sustainability Review. -Maintain appropriate service levels as recommended by previous council resolutions
Public Image & Reputation	Likely	Moderate – Wider community/public concern if the implementation of strategies providing equitable service to a community is seen as selective.	High	-Adhere to the recommendations of the Tactical Approach to Toilets and previous decisions guided by the Financial Sustainability Review. -Inform the community and media of the need for consistency in service provision based on agreed strategies and policies adopted by council.

A new resolution which changes the current position to transition the Kyabram Town Hall toilets to be facility based for use by KTH will impose a minimal additional cost on council's budget for operation and maintenance however capital expenditure has been undertaken to provide new and upgraded public toilets to service the need of Kyabram. The major risk relates to council's ability to effectively implement strategic objectives in service provision particularly in locations of over service which adversely impact on financial sustainability.

A new resolution which changes the current position to transition the Kyabram Town Hall toilets to be facility based for use by KTH will impact on all actions by council and officers to implement strategic and policy objectives which change, improve or modify service delivery across all communities in the Shire. This will demonstrate a precedence to individual groups or communities regarding the resolve of council. The ability of council to manage assets for community benefit will difficult or unachievable if previous carefully considered resolutions are not supported.

10. Options

Option 1: Affirm the Council Resolutions adopting the Tactical Approach to Toilets

This option is recommended by officers.

The Tactical Approach to Toilets recommends the transition of the Kyabram Town Hall toilets to be facility based amenities.

This is consistent with the resolutions of council based on previous community consultation in line with the lease agreement drafted in consultation with the Kyabram Town Hall Committee Inc. and given the investment made in an upgrade of the Transit Centre toilets plus the provision of new toilets in Memorial Gardens.

Option 2: Reverse the Previous Resolutions of Council Adopting the Tactical Approach to Toilets

This option is not recommended by officers.

A change of the resolution will set a precedence in dealing with the implementation of strategies and policies across the Shire and lead to an over service of communities with the resultant adverse impact on budgets and service improvements for all communities.

11. Strategic Planning Environments

Prosperity: No Impact

Place: Strategic Objective #3: Community infrastructure contributes to our long term social and economic fabric. The recommendation relates to the strategy to 'enable effective decisions regarding long term use and investment in community facilities'.

People: No Impact

Organisation: Closure of the Bradley Street Carpark (Kyabram Town Hall) toilets is consistent with the policies of council.

12. Consultation

Internal:

- Economic and Community Development General Manager (former Service Review Manager)
- Governance Manager – the recommendations in this report supports the policies, strategies and previous council resolutions.
- Strategic Asset Manager – Service review is critical to ensure the financial sustainability of council. Additional assets providing service will undermine the effective management of council's budget and equitable delivery of agreed service levels.
- Public Environments Manager – the recommendations support the decisions of council.

6.3. FUTURE OF PAKENHAM STREET FOOTBRIDGE (ECHUCA) PROJECT

Author:

Richard Conway, Assets Manager

2. Purpose

To note recent actions regarding the Pakenham Street footbridge (Echuca) and gain a council decision on the future of infrastructure related to the structure.

3. Recommendation**That Council:**

1. **Note the removal of the Pakenham Street footbridge structure.**
 2. **Approve the upgrade of the footpath at the corner of Goulburn Road and Moama Street, Echuca at a cost of \$10,000.**
 3. **Approve closure of the project.**
-

4. 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.

5. Charter of Human Rights

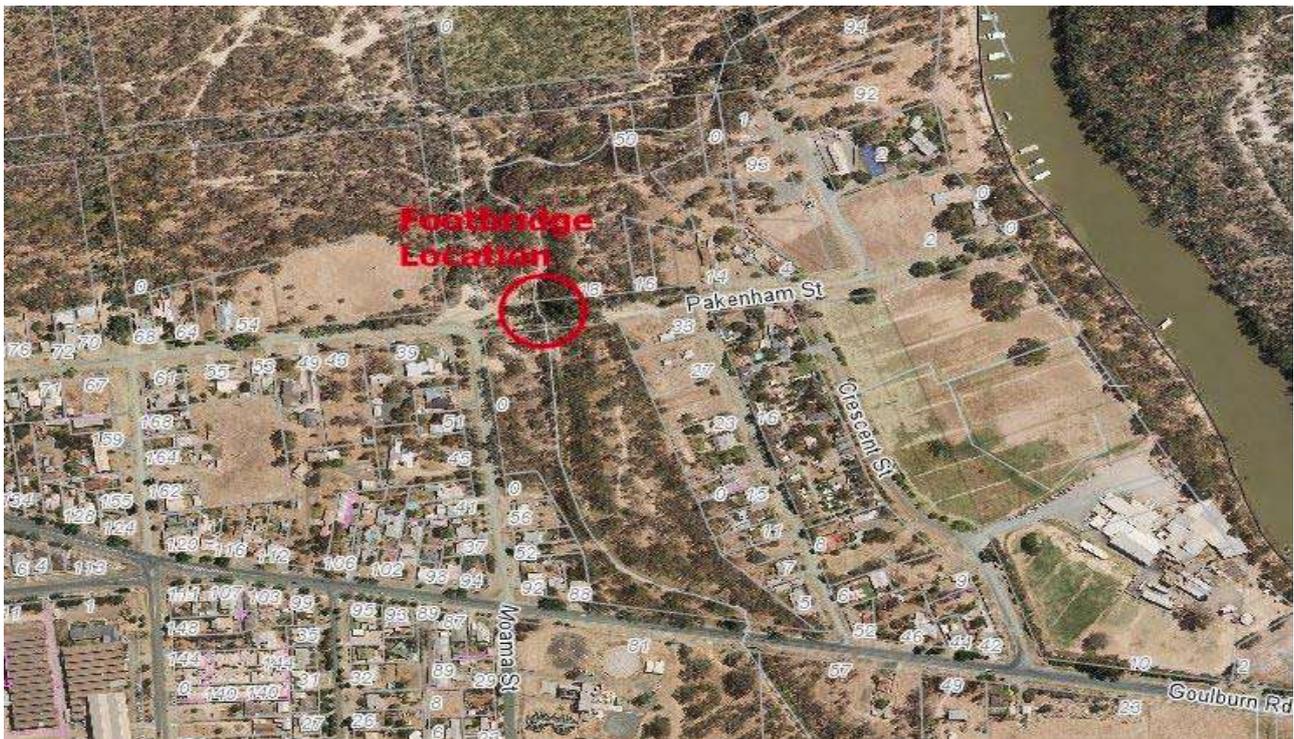
This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

6. 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.

7. Background

The Pakenham Street footbridge is located at the eastern end of Pakenham Street, Echuca (refer to image below). The footbridge crosses the Southern Cross Drain (SCD) and provided the community with a connection from the residential area east of the SCD to the Echuca CBD.



The original timber bridge was built during the 1930's or 1940's. The bridge provided vehicular access at that time. In the 1980's the bridge sustained fire damage and was re-opened for pedestrian traffic only.

In 2014 the failure of structural elements made the bridge unsafe and it was closed. Council resolved \$107,500 to renew the bridge but the tender costs proved significantly in excess of the budget. The renewal was put on hold pending investigations for other ways to connect the eastern end of Pakenham Street to the CBD

In December 2016 council's Road Services Unit was informed that the footbridge had further degraded. Inspection revealed the structure had destabilised further and evidence of people crossing the structure led staff to remove the bridge. This was done after informing councillors and local residents of the action and the reason for it.

8. Issues and Risk Management

Issues:

Ratepayer response

Four respondents came forward on being informed of the bridge's removal out of fifty four contacted. Three questioned the change from previously being the bridge would be renewed; three expressed concerns regarding the distance or inconvenience for local residents of losing the bridge connection.

Staff attempted to contact all four respondents offering to meet on site to discuss concerns and the options available. All were informed of the plan to put a business case to council, invited to have their views included in that case, the process for a decision, and the option to ask to be heard at a council meeting. Two respondents indicated satisfaction with the contact and route forward and sought no further contact. One did not reply and one indicated they would like to meet but did not give a time to meet before the writing of the report.

Below is a map of the properties informed of the removal of the bridge. A total of fifty four properties and the most geographically likely to be impacted by the bridge.

Pedestrian distances- Mid-Block Bynan St to Post Office-

**Key:**

Dark Route denotes use of footbridge- Total Distance 2022m

865m with footpath (solid line) and 1157m without footpath (dashed line)

Light Route denotes use of Goulburn Road Bridge across Southern Cross Drain. Total distance 2171m

1973m with footpath (solid line) and 198m without footpath (dashed line)

A solution that meets the original service level and the concerns of respondents

The original budget approved for renewal was \$107,500. Following the removal of the bridge a total of \$59,218 has been spent on the project so far. This leaves a total of \$22,782 plus \$25,000 contingency.

A replacement bridge will cost approximately \$258,000 according to an external estimate. Usage figures for the bridge are not recorded and so a straight use versus cost analysis is not possible. However the cost is almost two and a half times the original figure authorised by the 2014 council resolution.

Alternate options – not meeting the concerns of respondents

A new bridge is the only solution that meets the concerns of the respondents. But if the cost of a new bridge is too great an extended or improved footpath network are possibilities to improve connectivity.

If the budgeted amount is the maximum there is an option. Goulburn Road doesn't have a Disability Discrimination Act compliant crossing. Creating one at the corner of Moama Street where the formed footpath switches to the other side would cost \$10,000. In so doing the accessibility of the footpath is improved.

Otherwise a 550 metre extension of the concrete footpath, including the crossing on Goulburn Road, will cost \$150,150. This length would take the concrete path, similar to that already in existence, along Goulburn Road and along the West Side of Bynan Street.

Funding the new bridge or an extended footpath would have to come from council cash reserves or cancelling other projects.

Summary of options

Option	Cost	Difference between remaining budget from original decision (exc' contingency)
New Bridge	\$258,000	- \$235,218
Concrete path	\$150,150	- \$127,368
Crossing	\$10,000	\$12,782

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: Upgrade the crossing at the corner of Goulburn Road and Moama Road**

This option is recommended by officers.

This option improves the convenience in using the footpath and is within the original allocation of funds.

Option 2: Replace the bridge with a new one

This option is not recommended by officers.

This option is more than twice the cost originally envisaged in council's decision to renew and the cost would have to come from council reserves.

Option 3: Extend the footpath network up to improve access

This option is not recommended by officers.

This option exceeds the original budget and does not address the aim of either the decision to renew the bridge or ratepayer concerns to maintain the shortest route in to the CBD.

Option 4: Close the project with no further action

This option is not recommended by officers.

This option is most in line with the original decision as it ceases any beyond resolution scope work and incurs no further costs. It does not address either the connectivity to the CBD or distance or convenience concerns.

10. Strategic Planning Environments

Prosperity: No impact

Place: Maintaining or improving access is an important aspect of creating a community

People: Residents on the Bynan Street side of the footbridge will have their access to the CBD impacted by any decision. The preferred option slightly improves the level of service currently experienced.

Organisation: The preferred option delivers a solution within the budget of the original decision.

11. Consultation

Internal:

- General Manager Infrastructure Services
- Project Sponsor
- Project Manager
- Road Services Unit

External:

- Bridge consultants

6.4. SCOPE REDUCTION OGILVIE AVENUE AND HIGH STREET MEDIAN ISLANDS UPGRADE PROJECT

Author:

Richard Conway, Asset Manager

1. Purpose

To obtain a Council decision on the future of Project 100136 Ogilvie Avenue and High Street Median Islands Upgrade project.

2. Recommendation

That Council:

- 1. Approve the reduction of project 100136 Ogilvie Avenue and High Street median Islands Upgrade to meet the current budget.**
 - 2. Approve staff action to modify contract with Powercor to replace the light power circuits (Contract cost of \$83,669 excluding GST).**
 - 3. Approve staff action to modify contract with Capeng for the civil and planting works (Contract cost \$253,549.40 excluding GST).**
-

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

Project 100136 Ogilvie Avenue and High Street median Islands is an upgrade project with a 2016/17 budget allocation of \$320,000.

This project is to be part 1 of a 5 part scheme which had a 2014 combined estimate of \$1.32 million. The first section, and the subject of this report, covers 900 metres of road length from the Ogilvie Avenue roundabout to the Campaspe River Bridge. The total length of road for the combined project is approximately 4.1 kilometres.

The project has an estimated maintenance cost of \$20,150, and each part thereafter is estimated to include an ongoing maintenance component of \$36,000. As such the entire scheme has an annual cost of \$164,150.

Assets involved

The medians are on VicRoads managed roads and are maintained in line with standard service levels (twice per year). The maintenance of any amendments to the median, added property, changes to the surface (including new grasses or vegetation) will become the responsibility of council as council imposed the change.

Powercor own and manage the lights along the median, any changes to these or the services to them will be the responsibility of council.

Current State

In delivering the project it was discovered that the cabling between the Powercor lights has been laid too shallow for the project to go ahead without finding new funds. (The cabling is 250-300mm below the surface whereas the expected standard was 600mm.) If the agreed solution is to be put in the vegetation needs to be planted too close to the power lines. This had not been discovered in the design planning phase due to funding limitations in the survey of the site.

Powercor have been approached and are not willing to fund the re-cabling as it serves the purpose for which it was installed. They have provided a quote for \$83,669 (exclusive GST) which moves the required project beyond budget. There is insufficient contingency to deliver the project in its current form.

7. Issues and Risk Management**Issues:**

The issues with this project relate to funding this and future stages, the value of the project when considered against the challenges council faces and the inclusion of maintenance costs in the budget.

Issue 1: Funding this year's capital expenditure

\$320,000 funding was originally planned for this project. An extra \$83,669 needs to be found to deliver this project to its planned scope.

The benefit for this project is difficult to measure in common standards or dispassionate metrics. There aren't road safety benefits, for example median beautification is not part of the internationally recognised safer systems scheme. There are no apparent commercial returns or external standards of investment to return. The project is based on amenity and some input from Councillors and the community at the time.

Council should be aware the \$83,669 (excluding GST) which applies to the upgrade of the Powercor asset in the median strip will be operational expense to council (it is not our asset). This will impact the year end income statement and the forecast by that amount. This means the projected surplus of some \$313,000, will reduce by this amount (barring any other impacts to the actuals).

Issue 2: Funding future years, capital and operational expenditure

The project was originally envisaged to fit inside a 5 year scheme. Stage two has not been scheduled for 17/18 as resources have been committed to higher priority projects. If council chooses to deliver all five stages then there are at least four years of stages and \$750,000 (2014 estimate) of future new capital to be found.

Presuming continuing problems with the lights across Ogilvie Avenue, which is likely as the Ogilvie lights were installed in one tranche, there is possibly another \$140,000 extra funding required to get to the end of the road. Due to insufficient natural drainage there is also an unknown amount required for the supply of mini pump stations at the remaining Ogilvie and High Street sections of the scheme.

A further consideration is that the wiring works, vegetation and other non-council infrastructure elements can't be depreciated so future renewals will have to be operationally funded.

Impact on annual maintenance costs

This stage has an updated maintenance cost of \$20,000. Each stage after this comes with approximately \$36,000 of annual maintenance cost which will also need to be funded from operational expenditure or income. Across five stages \$164,150 would need to be found each year.

As an exemplar council's 2016/7 published budgets states Parks and Gardens have a total budget of \$4.2M so the scheme, once complete, would add almost 4% to annual costs.

Consider the whole

Considering the future funding gap on existing assets and the challenges of maintaining service levels against a rate capped environment council might review the value of this project, and those stages to come, and decide against continuing in its current form.

Issue 3: The place the project has in Council's portfolio of work and long term strategy

This is an upgrade and is one of very few upgrades council enters in to each year. Upgrades cannot be funded through depreciation and would not meet the Road to Recovery funding protocols.

Council Policies

Council policy 118 Asset Rationalisation states that council: "should only own, provide, operate, maintain and renew assets which are required to meet agreed services thus freeing up funding for other priority services."

Council Policy 91 Sustainable Asset Management states that council: "will provide and maintain assets so that they meet the service levels agreed with the community and support the organisation to deliver effective outcomes."

There is not a prima facie agreed service being provided by this upgrade. Unlike drainage or road services there is not a statutory or contractual reason to engage in this activity and no definable service level.

Council must decide if the requirements presented in policies have been met and that project is reasonable based on the newly revised costs.

Risk:

The risks in relation to this proposal go to the response from stakeholders through cancellation.

Risk	Likelihood	Consequence	Rating	Mitigation action
Currently unknown cost of amending the PowerCor contract	High	Medium	High	Currently seeking the amendment cost.
Currently unknown cost of amending the Capeng contract	High	Medium	High	Currently seeking the amendment cost.

8. Options**Option 1: Restrict delivery to the budget provided**

This option is recommended by officers.

If the length of this project is reduced it is possible to complete the project with the current budget.

Contract costs may still be incurred as Powercor and Capeng started, in good faith, to develop designs for the whole of the original section. Discussions have already begun on what incurred costs may need to be met by council. The length of road delivered can be amended to suit the budget available.

Option 2: Fund stage one from other savings and service reductions

This option is not recommended by officers.

The increased project cost would come from cash reserves. Discussions with Finance have indicated that the options are to accept the reduction in cash flow and reserves or cancel another upgrade project this year.

Option 3 Close the project

This option is not recommended by officers.

The contracts would have to be dissolved which would require a negotiation with the contractors. The contractors have been approached to provide incurred costs to this date. Excluding contract dissolution the projects has cost \$21,505 so far.

The public have already been consulted on the project so there is an expectation of delivery.

Strategic Planning Environments

Prosperity: No Impact

Place: The proposal enhances what is already in place

People: No impact

Organisation: The proposal would maintain an agreed budget spend.

9. Consultation

Internal:

- Infrastructure Services General Manager
- General Manager Corporate Services
- Parks and Gardens Officers
- Program Management Office
- Project Manager
- Project Sponsor
- Finance Manager

6.5. SCOPE REDUCTION TORRUMBARRY WEIR ROAD ROADS TO RECOVERY (R2R) PROJECT**Author:**

Richard Conway, Asset Manager

1. Purpose

To gain a decision on the future of project 100506 Gunbower, Torrumbarry Weir Road Upgrade.

2. Recommendation

That Council approve the reduction in project scope to a budget of \$63,000 for the delivery of delineation and signage.

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*.

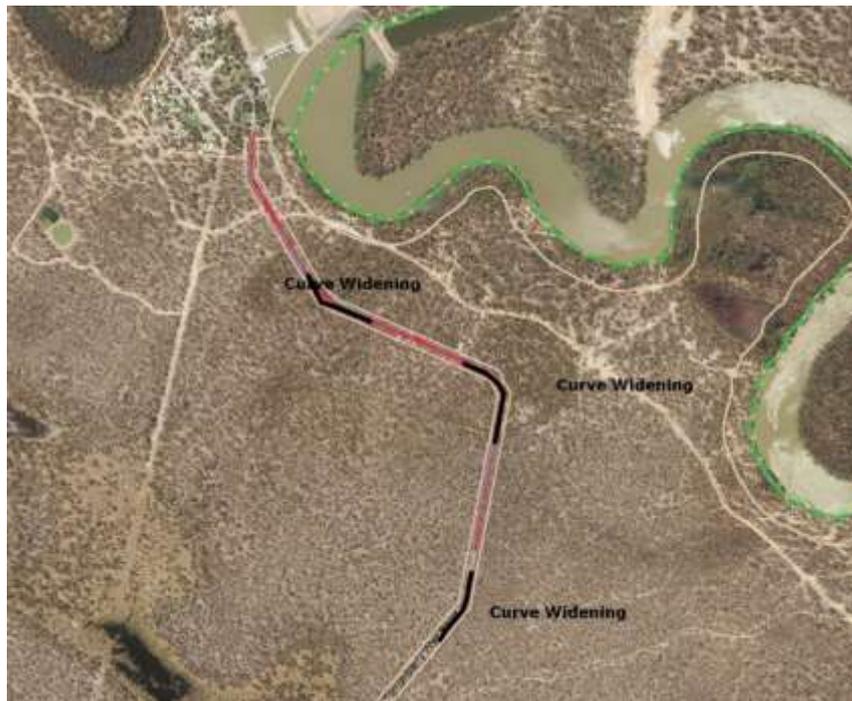
5. Instrument of Delegation

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

Project 100506 Gunbower Torrumbarry Weir Road upgrade is a project that originated from a review of safety ratings across the district. Using council's in-house scoring system (Netrisk) Torrumbarry Weir Road was identified in the top 20 roads in as far as road risk is concerned.

The project proposed widening the road at three bends leading up to the Cameron Creek Bridge, installing guide posts, signage and centre line markers. The outcome is to be a lowering of the head on collision risk with oncoming traffic or off-road obstacles.



The project has an allocation of \$128,000 and a recent construction estimate shows a required budget of \$315,823 to achieve the current scope.

7. Content

The stretch of road is used heavily during the tourism season and specifically events like the Southern 80 as it leads to a camping ground and boat ramp at the start of the event. It is otherwise used on average 240 times per day (December 2011 traffic count.)

In the past 5 years there have been zero reportable incidents (VicRoads definition of reportable incidents are those resulting in death or serious injuries).

8. Issues and Risk Management

Issues:

Issue 1: Road Safety Risk

If the project in its current form is cancelled the road safety rating remains; however there are other ways of mitigating the risk.

VicRoads and the Government and Western Australia developed and implemented the "Safe System" approach to road safety which has proven so successful it has now been taken up by the New Zealand Government. Based on international evidence it identifies four areas of concern. Based on these areas of risk council can engage in effective alternative solutions. See below:



(Source Australian National Road Safety Strategy 2011-2020)

Safe Speed: Lower speeds are the primary method of decreasing health risk in traffic collisions. According to the Australian Road Safety Strategy 2011-2020 survivable crashes for head on collisions cease at around 70 kilometres per hour for accidents between vehicles, and 40km/hr for accidents with trees or other off road obstacles. As this road is rated at 100km/hr lowering the limit will have a great impact on risks to users without costing council significant sums of money.

Safe Vehicles. Australia has a newer on road fleet of vehicles than many other countries including New Zealand and so this is largely managed by the market. Council cannot directly impact the newness, safety or maintenance of vehicles on the highway.

Safe Roads: This relates to the original scope of the project where the sealed road surface was widened. It can also relate to the sides of roads such as verges and tree lined roads.

Safe People: This is in regards to licensed, knowledgeable and fit drivers/riders. This section goes largely to the awareness and enforcement of speed, license and driver safety regulations which is again not a role of council but of the Police.

Issue 2: Other solutions that work to the Safe System

Speed: Council staff will approach VicRoads to seek their permission to lower the speed limit. While VicRoads are not guaranteed to agree to a lowering in speed limit this action, if successful, would have the greatest impact on road risk.

People: Council could opt to improve the signage and delineation of the curves in the area which improve user awareness of the safe speeds and lines to go through the three curves covered in the project.

This has a much lower cost and would lower the risk rating as delineation is one of the measured risk escalators.

Issue 3: Funding the delivery of this project

As an upgrade this project cannot be funded through renewal funding. It is an R2R project so it is possible to cancel or restrict another project yet to start or find the funding from council operational reserves. This is not recommended as there are alternate solutions that achieve the desired outcomes.

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: Reduce the scope of the project to a signage and delineation project and approach VicRoads regarding speed

This option is recommended by officers.

While VicRoads are not guaranteed to agree to a reduction in speed an improvement in signage and demarcation will reduce user risk.

Option 2: Deliver the project as envisaged and cancel other R2R projects to part fund the difference

This option is not recommended by officers.

The aims of improving safety can be addressed through other means and the stakeholders in the other current projects are aware and expecting delivery of projects.

Option 3: Cancel the project and take no action

This option is not recommended by officers.

There has been an identified risk and a created project and as such to terminate without a remedy has significant public relation and reputation risk.

10. Strategic Planning Environments

Prosperity: No impact

Place: The outcome is to lower the risk visitors and residents are exposed to on the districts roads.

People: No impact

Organisation: Delivery of the project in this way will create an improvement in safety within the allowed budget.

11. Consultation

Internal:

- Infrastructure Services General Manager
- Program Office Manager
- Project Manager
- Project Sponsor

External:

- Road Safety Experts

6.6. SALE OF LAND – BRAND STREET, STANHOPE (VOLUME 9722 / FOLIO 267)**Author:**

Peter Beaumont, Property Manager

Attachments:

6.6 Valuation report – Lot 1 13-15 Brand Street, Stanhope

1. Purpose

To consider the sale of 13-15 Brand Street, Stanhope (Lot 1 Title plan 113868M, Volume 9722 / Folio 267).

2. Recommendation**That Council:**

1. **Agree to the sale of land to Stephen and Mica Rosenberg 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 13-15 Brand Street, Stanhope (Lot 1 Title plan 113868M, Volume 9722 / Folio 267) for \$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*, the Purchaser seeks to rely upon conditions i. a) or i. b), 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. **Consider any submissions received pursuant to Section 223 of the *Local Government Act 1989* ("submissions") following the completion of the statutory advertising period and;**
 - a) **subject to the satisfactory outcome of the statutory requirements of Section 189 of the *Local Government Act 1989* authorise the CEO to execute the contract of sale and associated documents.**

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 13-15 Brand Street, Stanhope 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 \$500.00 plus GST and is in line with the valuation obtained for the property.

7. Content

The property known as 13-15 Brand Street, Stanhope is owned by Council, limited records are available but it is understood the land appears to have been set aside for a walkway which is no longer required. Some local stormwater drainage is in place which lead to drain pit on nature strip. Drainage may flow from the rear property in events of high water runoff.



The land is currently Township Zoned – Local Government (TZ). The land is of little value to Council and a direct sale to the adjoining owner to consolidate with their adjoining property is recommended.

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. Identify a purchaser	→	Subject of this report
2. Gain Council endorsement to dispose of property	→	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.

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 them to consolidate within their property.
 - 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.

6.7. SALE OF LAND – CROSSMAN ROAD, MITIAMO (VOLUME 1627 / FOLIO 367)**Author:**

Peter Beaumont, Property Manager

Attachments:

6.7 Valuation report – Lot 1 Crossman Road, Mitiamo

1. Purpose

To consider the sale of Crossman Road, Mitiamo (Lot 1 Title plan 548883, Volume 1627 / Folio 367).

2. Recommendation**That Council:****1. Agree to the sale of land to Johnathan Leech 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 Crossman Road, Mitiamo (Lot 1 Title plan 548883, Volume 1627 / Folio 367) for \$1050 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*, the Purchaser seeks to rely upon conditions i. a) or i. b), 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*;
- 3. Consider any submissions received pursuant to Section 223 of the *Local Government Act 1989* ("submissions") following the completion of the statutory advertising period and;
 - a) subject to the satisfactory outcome of the statutory requirements of Section 189 of the *Local Government Act 1989* authorise the CEO to execute the contract of sale and associated documents.

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 Crossman Street, Mitiamo 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 \$1050.00 plus GST and is in line with the valuation obtained for the property.

7. Content

The property known as Crossman Road, Mitiamo is owned by council, limited records are available but it is understood the site was used to access sand to build the nearby roads.



The land is currently Farming zoned – 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. The land is currently being used for water storage as a small dam.

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
6. Identify a purchaser	→	Subject of this report
7. Gain Council endorsement to dispose of property	→	Subject of this report
8. Give notice to the community of Council's intentions	→	Officers to action following this report
9. Consider submissions (if any)	→	Future report to be presented to Council
10. 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.

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.

6.8. FINANCIAL PLANNING PRINCIPLES

Author:

Diane Hood, General Manager, Corporate Services

1. Purpose

To seek endorsement from Council for the key financial planning principles to be used in the preparation of the Long Term Financial Plan and the 2017/18 Budget.

2. Recommendation

That Council: endorse the following proposed financial principles:

- a) **Council to utilise 10 year long term financial planning.**
 - b) **Council to meet core business obligations prior to allocating additional operating projects.**
 - c) **Council to maintain commitment to the Asset Renewal Funding Strategy through considering any available additional funds (surplus or savings) to be assigned to the capital renewal budget.**
 - d) **Council to manage its debt in accordance with established guidelines.**
 - e) **Council to seek to implement a cost recovery model.**
 - f) **Council to hold funds for future implementation of Council Plans and Strategies.**
 - g) **Before approving new or upgrade capital projects or the acquisition of new assets, Council will analyse and review social impacts, review service plans, and determine whole of life costs including impacts to the operational budget and long term financial plan.**
-

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 accordance with section 136 of the *Local Government Act 1989* Council is required to implement the principles of sound financial management. Specifically, Council must “ensure that decisions are made and actions are taken having regard to their financial effects on future generations.”

The purpose of developing a set of Financial Planning Principles is to prepare a roadmap or guidelines for Council officers responsible for accomplishing Council’s financial objectives. They ensure decisions are made in line with the strategic direction set by Council.

Council adopted a set of principles in April 2011 and has overtime made progressive changes in its financial maturity. The current set of adopted financial principles (resolved January 2016) are:

- a) Council to utilise 10 year long term financial planning.
- b) Council to meet core business obligations prior to allocating additional operating projects.
- c) Council to maintain commitment to the Asset Renewal Strategy.
- d) Council to manage its debt in accordance with established guidelines.
- e) Council to seek to implement a cost recovery model.
- f) Council’s budget targets to be agreed and met each year.
- g) Council to hold funds for future implementation of Council Plans and Strategies.
- h) Council to consider unexpected windfalls or savings to transfer to asset renewal budget.

These principles have been further discussed at budget development briefings and it is considered appropriate that the revised financial principles be formally presented to Council for adoption. This paper outlines the latest proposed changes which have been discussed as part of the 2017/18 budget process.

7. Content

Various changes have been proposed to the current financial principles. The purpose behind the proposed changes is to ensure the principles remain succinct, relevant and reflective of current practice and legislative requirements, and not misleading to the public.

The first proposed change is to remove the current principle (f) “Council’s budget targets to be agreed and met each year.” As the setting of a budget and the management of expenses against budget are legislated, it is considered this principle is a duplication and is recommended to be removed.

The second proposed change is the addition of a financial principle:

“Before approving new or upgrade capital projects or the acquisition of new assets, Council will analyse and review social impacts, review service plans, and determine whole of life costs including impacts to the operational budget and long term financial plan.”

This addition was recommended by the Audit Committee and is intended to reflect the current rate capping environment and, support other principles and the overall goal of financial sustainability.

The third proposed change comes from a debate around the specific meaning of principle (h) “Council to consider unexpected windfalls or savings to transfer to asset renewal budget”, and in particular whether the word “windfalls” was clear in terms of the intention to prioritise asset renewal.

Various options were discussed, including:

- Council will budget for an operational surplus.
- Council to consider assigning any additional to budget operating surplus gained over the year, or overall capital project savings to the asset renewal capital budget.
- As part of the mid-year budget review, Council will consider any overall capital budget savings and any forecast additional to budget operating surplus, to be added to the capital renewal budget.
- Council will prioritise available funds to be assigned to the capital renewal budget.

It is recommended, in keeping with the desire to ensure principles are succinct and relevant to link the intent to prioritise the asset renewal budget with an existing principle; and therefore to extend principle (c) to read:

“Council to maintain commitment to the Asset Renewal Funding Strategy through considering any available additional funds (surplus or savings) to be assigned to the capital renewal budget.”

8. Issues and Risk Management

Issues:

Council needs to consider the best wording to reflect its intended principles to staff for their operational implementation and to the public in terms of ensuring the principles are not misleading.

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: Adopt the recommended financial planning principles

This option is recommended by officers.

Option 2: Continue with the current financial planning principles

This option is not recommended by officers, as it does not appropriately update the principles and is not in keeping with the Audit Committee recommendation in relation to the added financial principle.

Option 3: Amend the working of the recommended financial planning principles

This option is not recommended by officers, however Council can consider if a better phrasing to improve clarity is identified.

10. Strategic Planning Environments

Prosperity, Place, People:

Financial planning principles impact all strategies of Council to the effect that they form the basis of budget preparation.

Organisation: Financial planning principles provide guidance for the preparation of the long term financial plan and the 2017/18 Budget.

11. Consultation

- Executive Management Group
- Finance Manager and team
- Audit Committee
- Councillors (Briefing Session, budget development)

6.9. DEFINED BENEFITS RESERVE

Author:

Ailsa Box, Finance Manager

Attachments:

6.9. Quarterly Vested Benefit Index report

1. Purpose

The purpose of this report is to advise Council on the pros and cons of setting up a reserve to hedge against future funding calls as a result of the VBI (Vested Benefits Index) of the LASF DB (Local Authorities Superannuation Fund, Defined Benefit) falling below the allowable threshold.

2. Recommendation

That Council:

- 1. Agree to not creating a reserve to fund future calls from the LASF DB (Local Authorities Superannuation Fund, Defined Benefit) fund in the 2017/18 financial year budget.**
 - 2. Agree to fund future calls through borrowings and/or cash reserves.**
 - 3. Agree to review based on the advice received by Council from the fund, in each subsequent budget cycle.**
-

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 LASF DB plan is a sub-plan of Vision Super and is a multi-employer sponsored plan.

The participating employers include Victorian local government, water authorities and other similar organisations.

As at 30 June 2015, there were over 130 participating employers.

The LASF DB (Local Authorities Superannuation Fund Defined Benefits) plan was closed to new members on 31 December 1993. Only those employees employed by a participating employer prior to 1 January 1994 who have remained employed by a participating employer can be LASF DB members.

Under a DB arrangement, the employer is required to pay sufficient contributions to the fund so that the fund is able to pay out the DB as they become payable. The investment performance of the fund affects the amount of contributions the employer must make so that the fund can pay out the benefits that have been promised to the members.

Therefore, the investment risk of a DB is borne by the employer because the member is guaranteed his/her benefit regardless of the investment performance of the fund.

Vision Super is guided by a set of investment beliefs when decisions are made about the investment portfolio. There are tailored beliefs for the LASF DB plan due to the plan's specific circumstances.

Since the fund was closed to new members on 31 December 1993 there has been four funding calls on Council.

The first was in 1997 for \$2,749,017, the second in 2003 for \$1,419,862. These amounts were paid through a combination of asset sales, rate increases and external borrowings. The third call was in July 2011 for \$962,688 this was funded from accumulated unallocated cash.

The fourth (and most recent) call was made in 2012 for \$4,770,209, this was initial paid from cash reserves to take advantage of an available discount for early payment with the option to borrow funds if required for cash back and capital works requirements.

There have been changes made to how Defined Benefit schemes are managed since the last funding call. The implementation of Australian Prudential Regulation Authority (APRA) Superannuation Prudential Standard 160 (SPS160) in July 2013 requires that the VBI of a fund must be above certain threshold at various times during the year.

For the LASF DB the thresholds are:

QUARTER ENDING	VBI THRESHOLD
30-Sep	97%/100%
31-Dec	97%
31-Mar	97%
30-Jun	100%

If the VBI falls below the thresholds the Fund Trustees are required to formulate a restoration plan to restore the VBI to 100% within three years under SPS 160 requirements.

Since the last call and the implementation of SPS 160 Vision Super monitor the VBI on a quarterly basis and notify council of the result.

7. Content

Changes to the regulations controlling Defined Benefits scheme with the introduction of SPS 160 in 2013 has reduced the risk of a call on councils being a surprise or as large as the call in 2012. Councils now receive quarterly reports on the status of the fund VBI. The report gives a multi-year view of the VBI, three prior year actuals and quarterly estimates for the current financial year.

The quantum of any future call is unknown therefore allocating funds to a reserve is problematic as the amount required is not definable. Any funds allocated to a reserve to cover future calls would come from operational funds impacting on Councils ability to continue to deliver current services and level of services to the community.

8. Issues and Risk Management

Issues:

Council has sufficient cash and a low indebtedness ratio, which combined with the low overall risk, means that Council could fund a call if required.

Ongoing monitoring of the VBI and the external climate (through 1/4ly investment reports) needs to continue to be done.

Risk:

Risk is that a call by the Fund to restore the VBI of 100% will impact on the financial position of Council.

Since the last call on Councils in 2011 Vision Super has been proactive in communicating the VBI on a quarterly basis. Along with this Vision Super has implemented strategies to mitigate the impact of market volatility on the assets of the LASF DB.

These strategies need to be balanced against de-risking the investment strategies to the point that return on the assets held is lower than expected or required. This could increase the potential need for higher contributions from employers.

Risk	Likelihood	Consequence	Rating	Mitigation action
Report is wrong	Low	Low	Low	Borrow or use cash reserves to meet obligation.
External climate change suddenly	Medium	Low	Medium	VBI monitored quarterly and on a daily basis during periods of high market volatility. Ongoing communication with Council by Vision Super.

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:

This option is recommended by officers.

- Council could borrow to fund any call by LASF DB or a combination of borrowing and using cash reserves could be explored.
- Council currently has very low borrowings and has the capacity to increase borrowings to cover a funding call.

Option 2

This option is not recommended by officers.

- Set up a cash reserve to hedge against future calls. This option would impact on Councils operational budget, reducing funds available to deliver services to the community.

10. Strategic Planning Environments

Prosperity: No impact

Place: No impact

People: No impact

Organisation: Funds will need to be sourced to cover any future funding call. This could be through increased borrowings or creating a long term liability to be paid off over an extended period.

11. Consultation

General Manager Corporate Services.

12. Officer Comment

Council has a responsibility to fund any short falls in the DB fund. The VBI could fall below the required thresholds at any time dependent on the economic climate. At the time of the actuarial review if the VBI is below the funds required thresholds the fund must implement a restoration plan. This plan may include a funding call on Council.

6.10. ADOPTION OF 2017/18 FEES AND CHARGES

Author:

Ailsa Box, Finance Manager

Attachments:6.10 2017/18 Schedule of Fees and Charges

1. Purpose

The purpose of this report is to present to Council the Fees and Charges outlined in the Shire of Campaspe Fees and Charges schedule 2017/2018 document.

2. Recommendation

That Council:

- 1. Adopt the 2017/18 Schedule of Fees and Charges, effective 1 July 2017; and**
 - 2. Publicise the 2017/18 Schedule of Fees and Charges on Council's website upon adoption by Council.**
-

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

Each year Council review the level of fees and charges that are applied across Shire of Campaspe for services, with a view to achieving a balance between affordability, encouraging greater usage and raising sufficient revenue to support the delivery of services.

In accordance with best practice financial management Council Officers have conducted a comprehensive review of the proposed 2017/18 Schedule of User Fees and Charges to ensure the achievement of the above criteria.

Statutory fees and charges are determined by State and Federal Government. Local Government is required to apply the charge they determine. Council has no power to alter these charges.

7. Issues and Risk Management

Risk:

This report is for the adoption of the 2017/18 fees and charges. It sets out the new fees and charges for services council delivers. There is no perceived risk to council in the report.

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: The income from the fees and charges assists to maintain the infrastructure require to deliver services.

Place: The income from the fees and charges assists in the maintenance and renewal of existing assets.

People: The income from the fees and charges assists in delivering services to support our communities' health and wellbeing.

Organisation: The income from fees and charges provides resources to deliver programs.

9. Consultation

Internal: Executive and relevant responsible officers have been consulted in the development of the 2017/18 Schedule of Fees and Charges. Councils during budget deliberations have been presented with the proposed 2017/18 Schedule of Fees and Charges.

External: The proposed fees and charges will be communicated to service recipients upon adoption by Council.

Website: Upon adoption by Council, the 2017/18 Schedule of Fees and Charges will be available on the Council website www.campaspe.vic.gov.au.

10. Officer Comment

Council strives to ensure services and facilities are operating effectively and maintained at a high standard while endeavouring to strike a balance between affordability, encouraging greater usage and raising sufficient revenue to support the delivery of services.

6.11. COUNCILLOR EXPENSES

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

Attachments:

6.11.1 Councillor expenses summary as at 28 February 2017

6.11.2 Council policy 58 Councillor Support and Entitlements

1. Purpose

To note the councillor expenses summary from 22 October 2016 to 28 February 2017.

2. Recommendation

That Council:

- 1. Note the councillor expenses summary from 22 October 2016 to 28 February 2017.**
 - 2. Approve a quarterly report being presented to Council on councillor expenses.**
 - 3. Approve a quarterly report on councillor expenses being published on Council's website.**
-

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 1989 provides that Mayor and Councillors are entitled to an annual allowance as set out in Section 74 of the *Local Government Act 1989*. The annual allowances are reviewed and determined by council following the general council election and are then reviewed annually by the Minister for Local Government.

There are very substantial time commitments required of Councillors in order for them to properly represent the community and perform their significant legal responsibilities, often requiring travel and late hours. The provision of IT equipment such as mobile phones and iPads, reimbursement of official travel expenses and if applicable, child care expenses is generally provided by municipalities across the state to assist Councillors to defray some of the costs incurred in meeting their responsibilities.

Council Policy 58 – *Councillor Support and Entitlements* (see Attachment 6.11.2) provides guidance on the reimbursement of expenses, and provision of facilities available to the Mayor and Councillors as required by the Local Government Act 1989, Section 75.

The cost of allowances and reimbursed expenses paid to Councillors together with the costs of related services and resources are managed as part of Council's annual budget process.

7. Content

Each Councillor attends regular Council Meetings and Councillor Briefings. In addition to these, a typical Councillor's workload includes meeting with residents and staff; community consultation sessions and other opportunities to engage with constituents often involved long hours and travel; correspondence with the community by mail, email and telephone; site inspections and visits; community celebrations and ceremonial functions; and extensive reading of reports, briefings and other preparation to support effective decision-making.

To contribute to Council's openness and transparency, councillors' monthly expenses will now appear on council's website.

Attachment 6.11.1 details the expenses incurred by each Councillor in the following categories:

Allowance: includes statutory allowances for the Mayor and Councillors, inclusive of a provision in recognition of the fact that Councillors do not receive superannuation or any other retirement benefit.

Travel Expenses: includes taxi fares, public transport costs, car parking fees, a payment of \$40 per round trip exceeding 100 kms and reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council related business. The Mayor is also provided with full private use of a motor vehicle.

Telephone: includes the capital costs, monthly fees and usage costs associated with Councillor mobile phone, and computer equipment.

Training & Conferences: includes any registration fees, associated with attendance or participation in conferences or professional development programs within Victoria.

Accommodation: includes accommodation costs associated with attendance or participation in conferences, meetings or professional development programs within Victoria.

Reimbursement of Expenses: includes carer expenses and other incidental expenditure incurred by Councillors in performing their Councillor role.

8. Issues and Risk Management

Issues:

The public in general are asking for more and more accountability and transparency from its council and this initiative assists Council in being more transparent and accountable.

Risk:

There may be increased questions from the public about councillor expenses but this would be considered a positive development as it would show that Council welcomes scrutiny.

9. Strategic Planning Environments

Prosperity: The cost of allowances and reimbursed expenses paid to Councillors together with the costs of related services and resources are managed as part of Council's annual budget process.

Place: No impact

People: No impact

Organisation: No impact

10. Consultation

General Manager Corporate Services

Governance Manager

6.12. 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. Recommendation

That Council:

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

- Nil

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

- 100017 Shire, Footpath Programmed Renewal 15/16
- 100020 Echuca, Anstruther Street Footpath Renewal
- 100072 Shire, Emergency Renewal Works 15/16
- 100244 Echuca, Hume Street Kerb and Channel (Darling to McKinlay)
- 100433 Burnewang, Burnewang Road Rural Rehab
- 100509 Echuca, Scenic Drive Kerb & Channel Renewal
- 100512 High Street Flood Mitigation

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

- Nil

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

- Nil
-

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	100017 Shire, Footpath Programmed Renewal 15/16	\$305,559.98	\$24,950.82	100415 Shire, Footpath Programmed Renewal 16/17	

Division	Project details	Project budget at closure	Project Savings at closure	Savings to be returned to	Further information (if applicable)
Infrastructure Services	100020 Echuca, Anstruther St Footpath Renewal	\$292,500.00	\$4,446.60	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100072 Emergency Renewal Works 15/16	\$35,000.00	\$140.00	100261 Asset Renewal Unallocated Funds (Non Roads)	
Infrastructure Services	100244 Echuca, Hume St Kerb and Channel renewal (Darling to McKinlay)	\$327,997.00	\$1,641.95	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100433 Burnewang, Burnewang Road Rural Rehab	\$239,000.00	\$84,818.05	100262 Asset Renewal Unallocated Funds (Roads)	The savings are due to less than expected design requirements and efficiencies in construction. The full original project scope was delivered.
Infrastructure Services	100509 Echuca, Scenic Drive Kerb and Channel Renewal	\$72,000.00	\$63,138.75	100262 Asset Renewal Unallocated Funds (Roads)	Design was completed, however construction is to be delayed until completion of the Vic Roads Echuca-Moama bridge project.
Infrastructure Services	100512 High Street Flood Mitigation Upgrade	\$40,000	\$39,940.00	100322 Drainage Policy Funding	This was one of a number of upgrade projects endorsed by council in March 2016 to be delivered under the Drainage Policy. The project scope was to complete stage 1 design works to address flooding issues at 416 High Street, Echuca. A detailed investigation was completed and established that the installation of the car park at Echuca Hospital had resolved the issues, therefore no further actions are required.

TABLE C – CORRECTIONS TO PRIOR REPORTS

Division requesting transfer	Account From	Account To	Amount	Reason
Nil				

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

Internal:

- General Manager Infrastructure Services
- Relevant Project Sponsors

7. COUNCIL INFORMATION

7.1. 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 February 2017.

2. Recommendation

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

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:

- i. An advisory committee of the Council that includes at least one Councillor; or
- ii. 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 February 2017:

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	7 February 2017	
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present & apologies 2. Declaration of Interests 3. Future Meetings 4. Mayors Report <ol style="list-style-type: none"> 4.1. Meeting procedures 4.2. MAV President's position 6. Campaspe Animal Shelter Update 7. Rural Roads Review 8. DELEGATION – Community Living & Respite Services 10. Echuca-Commercial Strategy Background Paper 11. CEO's Report <ol style="list-style-type: none"> 11.1 Riverine Herald coverage 	
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, Keith Oberin, Paul McKenzie (11:14am – 12:48pm), Emma Dalton (10:06am – 3:10pm), Frank Crawley (12:45pm – 3:05pm), Sharolyn Taylor	
Apologies		
Councillors		
Staff		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
Nil		

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	14 February 2017	
Matters Discussed	1. Welcome, present & apologies 3. Group Discussion – Transparency 4. Delegation – Victorian Planning Authority 5. Group Discussion – Meeting Procedures 6. Group Discussion – Timing and formatting of Briefing Sessions	
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 (10:16am – 10:44am) (12:20pm – 1:30pm), Frank Crawley, Sharolyn Taylor, Jess Crimmins	
Apologies		
Councillors		
Staff		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
Nil		

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	21 February 2017	
Matters Discussed	1. Welcome, present & apologies 2. Declaration of Interests 3. Future Meetings 4. Review Briefing Minutes 5. Council Meeting Agenda – Q & A on open items 8. Planning Application Call-In – PLN311/2016 9. Echuca Rail Station Precinct Master Plan Update 10. Internal Audit Committee Chair 11. Delegation – Loddon Murray Community Leadership Program	
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, Keith Oberin, Paul McKenzie (3:00pm – 4:01pm), Emma Dalton, Frank Crawley, Sharolyn Taylor and Jess Crimmins (10:02am – 3:20pm)	

Apologies		
Councillors		
Staff		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
Nil		

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:

- Community Living & Respite Services Inc – thank you for the continued support of the Opening Doors project.
- Committee 4 Echuca Moama – thank you for assistance in identifying and providing office accommodation for C4EM in 2016. The office space and boardroom at Heygarth House served the purpose very well and included the introduction to Campaspe & Cohuna Local Learning Employment Network, whom we now share office space with.
- Mal Whyte – thank you for letter of congratulations on being awarded the Order of Australia Medal. It is an honour to receive such an award.
- Plastic Bag Free Echuca Moama – thank you for the grant awarded from 2016/2017 Community Grants Program which will allow the delivery of school presentations on plastic pollution and a Family Trivia Night.
- Community Leadership Loddon Murray Inc - thank you for the ongoing support of our leadership program. The Opening Weekend Retreat held at Billabong Ranch was a great success and the participants were inspired by the Mayor's presentation and referred to it a number of times during the weekend.
- Echuca Community for the Aged – thank you to Campaspe Shire Council, in particular Melissa Mitchell, for agreeing to participate in the Aged Care Expo to be held on 26 April 2017. Your interest and willingness to provide information to people in the community contemplating retirement and/or access to community or residential care services is very much appreciated.
- Rosemary Kerlin – thank you to Neville Green, Home Maintenance Foreman, for completing the few jobs she had last week. Neville is very reliable and does a great job and she hopes when she moves to Melbourne she finds a maintenance person as reliable, obliging and as good at their work as Neville.
- Cheryl Simpson – thank you to the employee who cleans the barbecue and toilets at the Kyabram Fauna Park. He does a fantastic job and as I often walk past after it has been cleaned and can nearly see my face in it.
- Mary Gray – a big thank you to Maryanne, Julie, Colleen and the other girls who showered Pat over the last few months. You all greeted him with a smile and treated him with respect.

Recommendation

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

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. Recommendation

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

- **Lions Club of Rochester Inc – towards the cost of a Sportsman’s Night to assist with fundraising for the establishment of John Forbes’ Private Memorabilia Collection for residents and visitors in Rochester and surrounding district, \$1,000.**
 - **AFL Goulburn Murray Limited – towards a Boot Bank which gives football boots a second life and distributed to young disadvantaged football players, \$500.**
 - **Kyabram P-12 Chaplaincy Support Group – towards the cost of Victoria Welsh Choir fundraising concert to be held at the Kyabram Plaza Theatre on 19 March, \$1,000.**
 - **Colbinabbin lap-a-thon (Wongan Hills Lapathon) – towards the Colbinabbin lap-a-thon fundraising event raising for the Melanoma Institute of Australia, \$1,000.**
-

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 applications have been received:

Organisation	Amount	Amount Recommended	Purpose	Comment
Lions Club of Rochester Inc	\$1,000	\$1,000	towards the cost of a Sportsman's Night to assist with fundraising for the establishment of John Forbes' Private Memorabilia Collection for residents and visitors in Rochester and surrounding district	Approved by CEO – meets assessment criteria
ALF Goulburn Murray Limited	\$500	\$500	towards a Boot Bank – which gives football boots a second life and distributed to young disadvantaged football players	Approved by CEO – meets assessment criteria
Kyabram P-12 Chaplaincy Support Group	\$1,000	\$1,000	towards the cost of the Victoria Welsh Choir fundraising concert to be held at the Kyabram Plaza Theatre on 19 March	Approved by CEO – meets assessment criteria
Colbinabbin lap-a-thon (Wongan Hills Lapathon)	\$1,000	\$1,000	towards the Colbinabbin lap-a-thon, fundraising event for the Melanoma Institute of Australia	Approved by CEO – meets assessment criteria

Fund Balance Prior to application approval:	\$37,372
Funding approved:	\$3,500
Fund Balance: (21 March 2017)	\$34,872

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. ECHUCA STATION PRECINCT MASTER PLAN

Author:

Andrew Cowin, Corporate Strategy Manager

Attachments:

7.4. Echuca Station Precinct Master Plan

1. Purpose

To inform council that a master plan has been developed for the Echuca rail station precinct.

2. Recommendation

That Council note the Echuca Station Precinct Master Plan.

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 early 2016 Campaspe Shire Council was successful in receiving \$20,000 funding from the Department of Economic Development, Jobs, Transport and Resources under the *Transport Investing in Regionals* initiative to support the development of a Transport Precinct Master Plan for Echuca Rail Station.

Projects funded under the *Transport Investing in Regions* Initiative comprise a mix of walking and cycling projects; tourist and heritage railway infrastructure; local ports infrastructure; transport, freight and land-use strategies; and projects that celebrate Aboriginal culture and heritage. The initiative seeks to help build stronger and more connected communities across rural and regional Victoria.

The overall aim of the Echuca Station Precinct Master Plan (the Master Plan) project was to prepare a plan that guides the revitalisation and reactivation of the precinct and sets the preferred direction for how the change is to be managed.

In order to achieve the aim the project was to:

- identify a long term vision for the use of the Echuca Station Precinct that complements the Echuca CBD Strategy, tourism strategies and supports and encourages increased rail travel

- determine a concept design framework for short, medium and long term transport infrastructure improvements to provide for current and future rail services to and through Echuca
- identify a walking and cycling access framework (including infrastructure improvements), local bus service infrastructure improvement opportunities (such new bus stops), amenity upgrades and commuter car parking
- identify potential supporting development and investment opportunities to improve amenity and increase activity within the station precinct, including the high level process to unlock land.

In addition the project supports and builds upon council's advocacy to increase rail services to Echuca as part of the Railing Ahead project.

7. Content

The Master Plan seeks to respond to the site conditions, functional requirements and implementation considerations. It is important to note that the Master Plan will not be implemented in one action but represents a long term vision of the site and surrounds. Importantly the plan has the capacity to adapt to changing circumstances in terms of transport patronage, funding outcomes and property market conditions. The Master Plan is a high level concept only, and provides direction for future planning, detailed design and later funding submissions.

The key recommendations of the Master Plan comprise:

- upgraded station forecourt access for pedestrians;
- a new public plaza space adjoining the Goods Shed to the west of the Station and fronting Annesley Street;
- new local bus stops on Annesley Street to connect into the Station;
- additional local bus stops located outside the Station entrance;
- refurbishment and re-use of the existing Engine Shed and Goods Shed for civic, community or commercial purposes;
- new green open space in front of the Engine Shed on Sturt Street;
- new and continuous pedestrian and cycle linkages into and through the Precinct;
- an enhanced and integrated way-finding system throughout the Precinct;
- medium-term accommodation and longer-term mixed use development opportunities; and
- expanded commuter car parking capacity outside the Station entrance.

The Master Plan is ambitious but importantly, the early stage initiatives are all public, civic and transport-related, to leverage private-sector investment later in the stages. The early public realm works are expected to establish the conditions to attract investment, forming a 'catalyst' for further redevelopment and revitalisation of the precinct over time.

Delivery of the Master Plan is broken into three distinct stages. The attached document provides graphical representation of the elements in each stage. Elements within each stage are designed to be interchangeable to allow for flexibility based on funding availability and market interest.

- Stage 01: Short Term – Public Realm (2016-2020)
- Stage 02: Medium Term – Future Development (2020- 2025)
- Stage 03: Longer Term – Future Development (2025+)

The medium and longer term development opportunities have been identified to capitalise on the public realm investments made in Stage 01. Delivery of these opportunities will be influenced by economic and market conditions, availability of land, and future commercial and residential development demand.

The Master Plan has been developed with an awareness of the opportunities and issues identified in the Echuca Commercial Strategy Background and Issues paper. Similarly the Master Plan will provide input into the final Echuca Commercial Strategy.

8. Issues and Risk Management

Issues:

Issue 1: Station Precinct buildings listed on the Victorian Heritage Register

The Echuca Rail Station buildings including the station building, engine shed, goods shed, water tower, turntable and foot bridge are all listed on the Victoria Heritage register. The buildings being included on the register means that any alteration or changes to the building would require the approval of Heritage Victoria.

Issue 2: VicTrack's desire to dispose of surplus land

Majority of the land within the study area is owned and managed by VicTrack. The availability of the land for alternative uses as proposed within the Master Plan are dependent on VicTrack's desire to dispose of land that may be surplus to the operation and function of the rail facility. The desire to dispose of land in Echuca may not be the highest priority for VicTrack where other land (metropolitan) may generate a great economic return for VicTrack.

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 note the master plan as presented

This option is recommended by officers.

The master plan was developed with input from service providers and landowners from across the precinct. It was also strongly informed by existing strategic directions previously set under the Echuca Housing Strategy and the Echuca Rice Mills project. As well as the opportunities and issues identified as part of the Echuca Commercial Strategy Background paper.

Option 2: Council not note the master plan as presented

This option is not recommended by officers.

The Master Plan is a high level concept only, and seeks to guide the future direction for the area and be used to support more detailed design and later funding submissions. Importantly the plan represents a long term vision of the site and surrounds but has the capacity to adapt to changing circumstances. The plan is only for noting by council as council is not the primary landowner and would not be responsible for the development in line with the plan. However council may seek to support implementation of the plan strategically within the planning scheme and advocate to VicTrack around the disposal of land surplus to rail needs.

10. Strategic Planning Environments

- Prosperity: The Master Plan supports *Strategic Objective #1 Industry and businesses are supported and attracted to invest, grow and diversify* by providing direction and promoting investment in land that is currently underutilised. *Strategic Objective #3 Campaspe is a desired tourist destination* by improving the visitor experience through improved connectivity, form and function of the Echuca Rail Station and surrounding land.
- Place: The Master Plan supports *Strategic Objective #1 Transport networks enable easy access to localities* by identifying improvements to wayfinding and connections from the station to the CBD and surrounds. *Strategic Objective #2 Land use planning meets current and future needs* the Master Plan will guide future development within the area.
- People: No impact.
- Organisation: The Master Plan supports *Strategic Objective #1 Through respectful conversations with our stakeholders, partners and community, we hold shared goals, and understand each other's obligations, activities and achievements* through the engagement undertaken as part of the development of the plan with key stakeholders.

11. Consultation

The Master Plan was developed over two workshop sessions:

Scoping and Background Workshop

Engaged council and stakeholders, as an initial stage of consultation to focus on identifying issues, challenges and opportunities for the study area, and identifying any gaps in information.

CoDesign Workshop

The CoDesign Workshop was a participatory process designed to rapidly test and critique the proposed design outcomes, through intensive collaboration and working. Stakeholders participated in a design review and discussion session, seeking to resolve design challenges, and guide the design outcomes.

The workshops involved representation from:

- VicTrack
- Public Transport Victoria
- VicRoads
- V/Line
- Department of Economic Development, Jobs, Transport and Resources
- Department of Environment, Land, Water and Planning
- Regional Development Victoria
- Loco Shed Committee
- Murray Regional Tourism
- Shire of Campaspe officers and Councillors

Invitations were also extended to individual rail transport users and the Echuca East Recreation Reserve committee. However they were unable to attend the scheduled workshops.

8. COUNCILLOR REPORTS

Cr Adrian Weston	
22 February 2017	Rushworth Forest Meeting
22 February 2017	Murray River Council Meeting
22 February 2017	Stanhope Lions Club
24 February 2017	Tourism - Chinese TV
24 February 2017	Rochester Show - Rural Ambassador Judging
25 February 2017	Loddon Murray Community Leadership Program
25 February 2017	Tongala RSL Dinner
26 February 2017	Regenerative Agriculture Forum
27 February 2017	Rushworth Public Park Committee of Management
1 March 2017	Stanhope Fonterra Community Video
2 March 2017	Murray River Group of Councils Meeting
2 March 2017	Water Forum with Lisa Neville
3 March 2017	Campaspe Education Partners Official Launch
6 March 2017	Kow (Ghow) Swamp Land & On Water Management Implementation Working Group Meeting
8 March 2017	Greater Shepparton City Council Mayor Meeting
8 March 2017	Murray Goulburn Business Afternoon Tea
9 March 2017	CEO of Murray Goulburn Meeting
9 March 2017	Meeting - Heathcote - Graytown National Park Promotional Opportunities
9 March 2017	EMT Farewell to Tom Smith
11 March 2017	Junk Art Show Corop
13 March 2017	Essendon Football Club Community Camp Welcome Luncheon
15 March 2017	Networking Luncheon at VIC Parliament with Chinese Trade & Investment Delegation on 15th of March, Trade & Investment Mission to China
16 March 2017	Local Government Representatives to the Ministerial Council Meeting
16 March 2017	MRGC delegate Murray Darling Basin Plan Ministerial Round Table Meeting
17 March 2017	Murray-Darling Basin Authority's Chief Economist Colin Mues - Monitoring and Evaluation
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Cr Daniel Mackrell	
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
28 February 2017	CLRS Fundraising Dinner
1 March 2017	Murray Business Network Networking Dinner
2 March 2017	Official Opening of Echuca Police Complex
2 March 2017	C4EM & Murray River Shire- International Trade Insights
3 March 2017	Campaspe Education Partners Official Launch
6 March 2017	CCLLEN AGM
17 March 2017	Beacon Business Breakfast
17 March 2017	Nanneella Hall Men's Night

Cr Kristen Munro	
25 February 2017	Tongala RSL Dinner
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
2 March 2017	Official Opening of Echuca Police Complex
3 March 2017	Campaspe Education Partners Official Launch
4 - 6 March 2017	Camp Leo - 201V6 District Leo Clubs Weekend Away
5 March 2017	Camilk Open Day
6 March 2017	CCLLEN Official Opening
6 March 2017	CCLLEN AGM
17 March 2017	Beacon Business Breakfast

Cr Vicki Neele	
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
15 March 2017	Safety Awareness in Commercial Buildings Information Session
17 March 2017	Rotary District 9790 Conference - Welcome to Delegates
18 March 2017	Kyabram Vintage Engine & Machinery Restoration Group 20th Annual Rally
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Cr Neil Pankhurst	
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
28 February 2017	CLRS Fundraising Dinner
1 March 2017	Kyvalley Progress Association AGM
2 March 2017	Landscape Plan Guide Workshop
3 March 2017	Campaspe Education Partners Official Launch
6 March 2017	EMFM Radio
9 March 2017	EMT Farewell to Tom Smith
10 March 2017	Kyabram Rodeo
13 March 2017	Essendon Football Club Community Camp Welcome Luncheon
13 March 2017	Essendon Football Club Dinner
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Cr Leanne Pentreath	
23 February 2017	Council Plan Focus Group Workshop
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
27 February 2017	Sportstar of the Year 2016 - Gala Awards Evening
1 March 2017	Coliban Water Meeting
2 March 2017	Official Opening of Echuca Police Complex
2 March 2017	Landscape Plan Guide Workshop
3 March 2017	Stanhope Pool Party
3 March 2017	Campaspe Education Partners Official Launch
9 March 2017	EMT Farewell to Tom Smith
15 March 2017	Safety Awareness in Commercial Buildings Information Session
17 March 2017	Bamawm Extension Fire Brigade Annual Brigade Dinner
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Cr Annie Vickers	
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
28 February 2017	CLRS Fundraising Dinner
1 March 2017	Councils and Emergencies Directions Paper and MAV Consultation Sessions
1 March 2017	Murray Business Network Networking Dinner
2 March 2017	Official Opening of Echuca Police Complex
2 March 2017	Landscape Plan Guide Workshop
3 March 2017	Campaspe Education Partners Official Launch
5 March 2017	Camilk Open Day
6 March 2017	CCLLEN Official Opening
6 March 2017	CCLLEN AGM
9 March 2017	EMT Farewell to Tom Smith
15 March 2017	Safety Awareness in Commercial Buildings Information Session
16 & 17 March 2017	Njernda Health Close the Gap event
17 March 2017	Beacon Business Breakfast
17 March 2017	Kagome Food Service Distributor Dinner
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Cr Leigh Wilson	
22 February 2017	Goulburn Broken Greenhouse Alliance Implementation Forum meeting
22 February 2017	District Planning Group Meeting Rochester
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
2 March 2017	Official Opening of Echuca Police Complex
2 March 2017	C4EM & Murray River Shire- International Trade Insights
2 March 2017	Landscape Plan Guide Workshop
3 March 2017	Stanhope Pool Party
3 March 2017	Rochester Mural Festival Dinner
5 March 2017	Camilk Open Day
9 March 2017	EMT Farewell to Tom Smith
9 March 2017	Microsoft Dinner
15 March 2017	Safety Awareness in Commercial Buildings Information Session
16 & 17 March 2017	GVWRRG Forum meetings
17 March 2017	Nanneella Hall Men's Night
18 March 2017	Rochester Invitational
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Cr John Zobec	
27 February 2017	Opening of the Echuca – Moama Bridge Project Office
1 March 2017	Kyvalley Progress Association AGM
2 March 2017	Official Opening of Echuca Police Complex
9 March 2017	EMT Farewell to Tom Smith
10 March 2017	Kyabram Rodeo
13 March 2017	Essendon Football Club Community Camp Welcome Luncheon

15 March 2017	Ky Deakin Rate Payers Meeting
18 March 2017	Kyabram Vintage Engine & Machinery Restoration Group 20th Annual Rally
20 March 2017	Rushworth RSL ANZAC Centenary 2014-2018 Commemoration & Dedication Ceremony

Recommendation

That the above Councillor reports be received and noted.

9. CHIEF EXECUTIVE OFFICER'S REPORT

Activities and meetings attended since previous Council meeting:

- Regional Floodplain Strategy Meeting
- Echuca Moama Tourism
- Healthier Campaspe Meeting
- GM Water Connections Program Stakeholder Consultative Committee meeting
- Opening of the Echuca Moama Bridge Project Office
- Business Clean Up Day
- Community & Living Respite Services Fundraising Dinner
- Murray River Group of Councils meeting
- Water Forum with Minister Neville
- Campaspe Education Partners Official Launch
- Meeting with Murray River Council Interim General Manager
- Campaspe Cohuna Local Learning and Employment Network AGM
- GV Highway Bypass Action Group meeting
- Meeting with CEO of Murray Goulburn
- Meeting with Echuca Moama Theatre Company
- Echuca Moama & district Tourism farewell to CEO, Tom Smith
- Rural Councils Victoria Executive Committee meeting
- Essendon Football Club Community Camp Welcome Luncheon and Dinner Event
- Meeting with Family Violence Network
- Meeting re Campaspe Family Violence Action Group
- Brady Threlfall Podcast
- Beacon Business Breakfast
- Kagome Food Service Dinner
- Rushworth RSL Anzac Centenary Memorial Unveiling, Commemoration & Dedication Ceremony

Recommendation

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

10. NOTICES OF MOTION

11. URGENT BUSINESS

12. QUESTION TIME

13. CLOSED SESSION OF THE MEETING TO THE PUBLIC

Recommendation

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.

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. 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. 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)(D) CONTRACTUAL MATTERS & 89(2)(E) PROPOSED DEVELOPMENTS

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

Recommendation

That Council resolves to open the meeting to the public

20. CLOSE MEETING

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JASON RUSSELL

CHIEF EXECUTIVE OFFICER