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# Minutes



Minutes of the open section of the meeting of the seventh Campaspe Shire Council, held in the Echuca Civic Centre, on Tuesday, 19 March 2019 commencing at 5:00pm.

## Present

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

## Officers

Jason Russell – Chief Executive Officer

Fleur Cousins – General Manager Corporate Services

Richard Conway – General Manager Infrastructure Services

Paul McKenzie – General Manager Regulatory & Community Services

Keith Oberin – General Manager Economic & Community Development

Frank Crawley – Governance Manager

Sandra Ennis – Communications Manager

Sally Ruckwood – Property and Legal Manager

Sharolyn Taylor – Council Support Officer

## 1. Apologies and Requests for Leave of Absence

### APOLOGIES

Nil

### REQUESTS FOR LEAVE OF ABSENCES

Cr Kristen Munro has requested a leave of absence from 3 to 21 July 2019.

### COUNCILLORS NEELE/ZOBEC

That Council approve a leave of absence for Cr Kristen Munro from 3 to 21 July 2019.

### CARRIED

## 2. Confirmation of Minutes and Attachments

For the:

- Open section of the Special Council Meeting held on 6 February 2019
- Open section of the Special Council Meeting held on 12 February 2019
- Open section of the Council Meeting held on 19 February 2019
- Open section of the Campaspe Briefing Session held on 5 February 2019
- Open section of the Campaspe Briefing Session held on 19 February 2019

### Recommendation

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

- Open section of the Special Council Meeting held on 6 February 2019
- Open section of the Special Council Meeting held on 12 February 2019
- Open section of the Council Meeting held on 19 February 2019
- Open section of the Campaspe Briefing Session held on 5 February 2019
- Open section of the Campaspe Briefing Session held on 19 February 2019

### COUNCILLORS PANKHURST / WILSON

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

- **Open section of the Special Council Meeting held on 6 February 2019**
- **Open section of the Special Council Meeting held on 12 February 2019**
- **Open section of the Council Meeting held on 19 February 2019**
- **Open section of the Campaspe Briefing Session held on 5 February 2019**
- **Open section of the Campaspe Briefing Session held on 19 February 2019**

**Note that no conflicts of interest were declared at the February 5 or 19 Briefing Sessions**

**CARRIED**

## 3. Changes to the Order of Business

Nil

## 4. Declaration of Interests

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

### *Local Government Act 1989 Section 79*

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

Cr Mackrell declared a conflict of interest in item 7.5 by way of conflicting duty

Cr Munro declared a conflict of interest in item 8.3 by way of conflicting duty

Cr Munro made the following statement:

“I’d like to make a clarifying statement please.

I have obtained independent governance advice which has been backed up by independent legal advice that I do not have a conflict of interest in council reports items 7.3 and 7.7.”

Cr Vickers declared a conflict of interest in item 7.7

## **5. Responsible Authority Decisions**

Nil

## **6. Planning Authority Decisions**

Nil

## 7. Council Decisions

### 7.1. Planning Officer Appointment and Authorisation

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

**Attachments:**

7.1.1 Instrument of Appointment and Authorisation for Emily Hardy

7.1.2 Instrument of Appointment and Authorisation for Eren Batu

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**1. Purpose**

To appoint Emily Hardy and Eren Batu as authorised planning officers for Campaspe Shire Council.

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**2. COUNCILLORS PENTREATH / PANKHURST****That Council:**

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

1. **Members of Council staff referred to in the instruments as Emily Hardy and Eren Batu be appointed and authorised as set out in the respective instrument:**
  - a) **Under Section 147(4) *Planning & Environment Act 1987***
  - b) **Under Section 4(1) and Section 48A *Environment Protection Act 1987***
  - c) **Under Section 525(2) *Residential Tenancies Act 1997***
  - d) ***Summary Offences Act 1966***

The instruments come into force immediately the common seal of Council is affixed to the instrument, and remains in force until this appointment and authorisation is revoked or on cessation of the officer's employment with Council.

**CARRIED**

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**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*.

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#### **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.

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#### **6. Background**

Two new staff members have commenced employment in the Planning and Building Department. Planning officers require delegated authority as authorised officers under various legislation to undertake statutory obligations. Tasks include entering sites, gathering evidence or serving of legal notices, if required, appropriate to their level of experience and qualifications.

Emily Hardy commenced in the position of Planning Officer with the Campaspe Shire Council on 4 March 2019.

Eren Batu will commence in the position of Planning Officer with the Campaspe Shire Council on 28 March 2019.

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#### **7. Content**

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

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

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

1. *Planning and Environment Act 1987*
2. *Environment Protection Act 1987*
3. *Residential Tenancies Act 1997*
4. *Summary Offences Act 1966*
5. Section 224 of the *Local Government Act 1989*

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

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#### **8. Issues and Risk Management**

##### **Issues:**

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

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**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.

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**9. Strategic Planning Environments**

Strong and Engaged Communities:	No impact
Resilient Economy:	Regulatory work has wide application in maintaining and ensuring an appropriate built environment.
Healthy Environment:	No impact
Balanced Services and Infrastructure:	Officers must be correctly authorised to be able to deliver to the community the services required.
Responsible Management:	Officer authorisation is a requirement for effective service delivery and to ensure council is acting in accordance with statutory requirements.

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**10. Consultation**

Planning and Building Manager

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**11. Officer Comment**

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

## **7.2. Audit and Risk Committee Charter**

### **Author:**

Fleur Cousins, General Manager Corporate Services

### **Attachments:**

7.2.1 Draft Audit and Risk Committee Charter

7.2.2 Draft Audit and Risk Committee Charter – with tracked changes

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### **1. Purpose**

To adopt a revised Audit and Risk Committee Charter that provides an overview of the purpose, role, composition and operation of Council's Audit and Risk Committee.

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### **2. COUNCILLORS PANKHURST / PENTREATH**

#### **That Council:**

- 1. Adopt the Draft Audit and Risk Committee Charter appended as Attachment 7.2.1.**
- 2. Commence a process to identify a suitable person to fill the 'Affiliate Member' position for a limited term until December 2019, from the pool of eligible candidates who applied to be an external member in July 2018 and make a recommendation to Council for appointment.**
- 3. Conduct an open expression of interest process for an external Affiliate Member at the same time as the next external Full Member position is required to be undertaken.**

#### **CARRIED**

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### **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 regarding this matter.

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### **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.

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### **6. Background**

The Campaspe Shire Council Audit and Risk Committee (the Committee) is an Advisory Committee to Council and supports Council in fulfilling its oversight responsibilities for the financial and performance reporting processes, the system of internal control, risk management, the audit process and council's process for monitoring compliance with legislation and the code of conduct.

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The Committee has a detailed Charter outlining the roles and responsibilities of the Committee, which was last updated in February 2018. In accordance with this Charter, the Committee comprises of 3 independent external members and two Councillors. The external members are appointed for a term up to four (4) years in duration and may seek reappointment to the Committee for a maximum of 8 consecutive years.

Following the recruitment and appointment of two independent external members, Council resolved on 21 August 2018 to request the Audit and Risk Committee review the Audit and Risk Committee Charter with specific consideration to the membership composition, in recognition of the strong field of candidates and interest in the Committee.

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## 7. Content

In response to Council's resolution made on 21 August 2018, the Committee reviewed the Audit and Risk Committee Charter at its' meetings held on the 5 December 2018 and 30 January 2019.

As part of the review, consideration was given to the Committee's membership composition and membership recruitment and selection parameters, while also using the review process as an opportunity to consider any further amendments required.

The Committee, having reviewed the Charter and taken into consideration the strong field of candidates and interest in the Committee during the most recent recruitment process for external members, has recommended several changes to the Charter. The changes are summarised as follows:

1. Introducing a new category of member, 'external affiliate member' that Council can exercise an option to appoint for a term of up to two (2) years.
2. Defining the criteria for appointment to the new external affiliate member as well as outlining the limitations for the external affiliate member (no voting or allowance).
3. Adding additional guidance points for the selection panel when recommending suitable candidates to Council for appointment.
4. Clarifying that any Councillor not appointed to the Committee may attend the Committee's meetings as an observer.

A draft Audit and Risk Committee Charter, outlining all recommended changes as tracked changes, is appended as Attachment 7.2.2.

The introduction of an 'external affiliate member' category has been identified to offer external members, who have an interest in being a member of the Council Audit and Risk Committee and would like to gain a greater understanding of the role, an opportunity to be appointed by Council for a shorter term. This would also provide candidates an opportunity to develop their knowledge and understanding of the Committee's role and purpose prior to being appointed as an external full member.

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## 8. Issues and Risk Management

### Issues:

The most recent recruitment process for external members received a strong response of potential candidates of diverse backgrounds and experience. The selection panel in conducting the process of interviewing and recommending candidates for appointment found that the Charter did not provide enough guidance or parameters to be considered when there are more suitable candidates than positions vacant.

The addition of guidance points the selection panel is to take into consideration when recommending candidates to Council for appointment, is considered to provide greater transparency for all candidates when applying for a position on the Committee.

**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.

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**9. Strategic Planning Environments**

Strong and Engaged Communities: No Impact

Resilient Economy: No Impact

Healthy Environment: No Impact

Balanced Services and Infrastructure: No Impact

Responsible Management: An active and diverse Audit and Risk Committee with the right level of skills and capabilities, provides the public with assurance that the operations and risks within the organisation have the appropriate oversight and that the necessary governance practices are being applied.

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**10. Consultation**

The review of the Audit and Risk Committee Charter has been done in consultation with all members of the Committee at the meetings held on 5 December 2018 and 30 January 2019.

### **7.3. Port Precinct Vision Implementation Plan**

**Author:**

Andrew Cowin, Corporate Strategy Manager

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**1. Purpose**

To seek Council's endorsement of the outstanding budget allocation to support implementation of the Port Precinct Plan.

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**2. COUNCILLORS MACKRELL / PENTREATH**

**That Council affirm the budget allocations from the unallocated quarantined funds from the Port of Echuca service of:**

- 1. Murray Esplanade Concept Plan \$22,000**
- 2. Social Seating Plan and implementation \$41,000**
- 3. Precinct Gateway Signage \$12,000**

**to support implementation of the Port Precinct Plan.**

**CARRIED**

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**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.

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**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.

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**6. Background**

In late January and early February 2018 the development of a vision for the Port Precinct commenced with a number of engagement opportunities for the community and precinct businesses/operators. Engagement was seen as critical in the development of the long term vision.

The vision and strategic directions were presented to Council on the 26 June 2018. Council resolved:

*That Council:*

- 1. Note the vision and strategic directions have been developed following extensive community and stakeholder consultation and engagement.*
  - 2. Note the vision "A place to take your time, relax and enjoy yourself" as the vision for the precinct.*
-

3. *Note the strategic directions that support the implementation of the vision as:*
  - a) *A place to linger, interact and connect*
  - b) *A destination celebrating living with nature and history*
  - c) *An arts and culture, events and entertainment hub*
  - d) *A place where collaboration makes it happen*
4. *Note the public realm opportunities identified in the “Port of Echuca Future – Report May 2018” as some of the ways council may support implementation of the vision and strategic directions.*
5. *Note the “Port of Echuca Future – Report May 2018” as a background report summarising the inputs to the development of the vision, strategic directions and opportunities.*

A Notice of Motion was made by Councillor Weston to the 17 July 2018 meeting that:

*That Council endorse the Port Precinct Vision “A place to take your time, relax and enjoy yourself”.*

Council resolved:

*That Council:*

1. *Endorse the Vision for the Port precinct being:*  
*“A place to take your time, relax and enjoy yourself”*
2. *Adopt the Strategic Objectives that support the implementation of the vision being:*
  - a) *A place where collaboration makes it happen*
  - b) *A destination celebrating living with nature and history*
  - c) *An arts and culture, events and entertainment hub*
  - d) *A place to linger, interact and connect*
3. *That the Chief Executive Officer prepare a draft implementation plan based on the vision and strategic objectives and include actions, budgets and deadlines in those areas relevant to Council.*
4. *That the draft implementation plan be brought back to Council for consideration highlighting any further community engagement that maybe required.*

In addition equally relevant Council in adopting the 2018/19 Budget resolved (amongst others to):

1. *Adopt the 2018/19 Budget provided in Attachment 1, noting that it is the Proposed 2018/19 Budget endorsed and released for public comment by Council on the 1 May 2018, inclusive of the following amendments:*
  - a. *Insert an additional initiative under the strategic objective of Responsible Management that reads “Commence the development of a Customer First Strategy that includes customer responsiveness”.*
  - b. *Add an additional note that explains the variation of the Other Expenses – Commission between 2017/18 and 2018/19.*
  - c. ***Update the budget document throughout to reflect the Port of Echuca and Discovery Centre service:***
    1. *additional income of \$42,727 and*
    2. *reduction of expenditure of \$182,000*
    3. ***expenditure to the value of \$224,727 be quarantined for the facilitation and advancement of Council’s contribution to the vision and strategic direction of the***

***Port Precinct Strategy; resulting in the overall Council subsidy for this service as \$1,417,510; monthly reports on Port of Echuca and Discovery Centre service.***

A report was presented to the 20 November 2018 Council meeting outlining the 2018/19 actions supporting implementation of the vision in line with of Councils resolution 3 and 4 of the Notice of Motion of the 17 July 2018 as well as providing recommendations as to the allocation of the \$224,727 quarantined as part of the budget development for implementation of the Port Precinct Plan.

The following was recommended to Council:

*That Council:*

- 1. Note the 2018/19 Implementation actions supporting implementation of the Port Precinct Plan.*
- 2. Affirm the budget allocations of:*
  - a) Activation activities \$58,700*
  - b) Activities administrative support \$6,500*
  - c) Community activation grants \$20,000*
  - d) Infrastructure \$83,800*
  - e) Strategy \$55,000**to support implementation of the Port Precinct Plan.*
- 3. Endorse the project aim and scope of the funded strategic work to further the implementation of the Port Precinct Plan as:*
  - a) Aim - Campaspe is a desired front of mind visitor destination.*
  - b) Scope:*
    - 1. Identify emerging visitor trends – how visitors access information, select destinations, booking accommodation and activities.*
    - 2. Review the current structure and arrangements in place for the provision of tourism services across Campaspe Shire.*
    - 3. Identify alternative models of service delivery and current best practice approaches for the provision of tourism services, including the provision of visitor information centres, tourism marketing, event attraction, support and coordination and make recommendations defining local government's role and responsibility on the preferred future approach in relation to the provision of these services.*
    - 4. Make recommendations in relation to the application of the preferred model broadly, including the identified roles and responsibilities as would apply specifically to the Port Precinct.*

Council resolved

*That Council:*

- 1. Note the 2018/19 Implementation actions supporting implementation of the Port Precinct Plan.*
- 2. Affirm the budget allocations of:*
  - a) Activation activities \$58,700*
  - b) Activities administrative support \$6,500*
  - c) Community activation grants \$20,000*
  - d) Infrastructure \$63,800*

*to support implementation of the Port Precinct Plan.*

This report seeks to affirm the allocation of the \$75,000 remaining following Council's resolution of the 20 November 2018.

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## 7. Content

This report provides funding opportunities that represent a mixture of planning and implementation.

The recommended activities are:

- Murray Esplanade Concept Plan – The development of two concept options to improve the layout and beautify the gravelled section and area north to Law Court Place of Murray Esplanade. The options would seek to improve the functionality of the gravelled space for events and activities such as static displays, markets or popup stalls. As well as planning for a shared space north of the gravelled section to Law Court Place.

Recommended Allocation \$22,000

- Social Seating Plan – The development of a Social Seating Plan in line with the identified opportunities of the Port Precinct Plan. The Plan would identify potential locations, layouts and forms of social seating that would encourage people to stay longer within the precinct.

Recommended Allocation \$7,000 for plan development and \$34,000 to implement 4-5 sites (approximately) in line with the plan

- Precinct Gateway Signage – Design and installation of two precinct entrance signage on the High-Heygarth and High-Warren Streets roundabouts.

Recommended Allocation \$12,000

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## 8. Issues and Risk Management

### Issues:

Expenditure of the funds within the 2018/19 year: The funds were quarantined as part of the 2018/19 year budget and are required to be expended within the year. Given the timing of this report should Council not seek to support the recommended funding allocations then it is unlikely that sufficient time would remain for Council officers to scope and for Council to approve other projects for delivery within the year.

### 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.

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## 9. Options

Option 1: Note the recommended activities supporting implementation of the Port Precinct Plan.

This option is recommended by officers.

The implementation activities outlined in this report seek to incorporate a mixture of planning and on the ground implementation. The presentation of the activities is in line with council's Notice of Motion.

Option 2: Amend the recommended activities supporting implementation of the Port Precinct Plan as presented.

This option is not recommended by officers.

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Amending the activities as presented which support achievement of the vision may impact their capacity to be delivered and consequently council's contribution towards achievement of the vision.

Option 3: Not support the recommended activities and not identify any alternative activities to support implementation of the Port Precinct Plan.

This option is not recommended by officers.

Not supporting the recommendation and not identifying any alternatives activities will result in the money remaining unallocated.

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## 10. Strategic Planning Environments

Strong and Engaged Communities:	The activities identified support implementation of strategy 1 and 3 by identifying opportunities to partner as well as support artistic, cultural and leisure opportunities across the precinct.
Resilient Economy:	The activities identified support implementation of strategies 1, 2 and 3 by providing direction to guide planning and development of new infrastructure within the precinct.
Healthy Environment:	The activities identified support strategy 1 by strategically planning and respecting our natural environment.
Balanced Services and Infrastructure:	The activities identified support strategy 2 by strategically planning for infrastructure to meet community need.
Responsible Management:	The activities identified support strategy 4 by planning and providing services, facilities and infrastructure that meet community.

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## 11. Consultation

The identification of activities has been developed in consultation with General Managers, Managers and officers from across the organisation.

## **7.4. Electric Line Clearance Management Plan 2019 - 2020**

### **Author:**

Kate Lemon, Public Environments Manager

### **Attachments:**

7.4. Electric Line Clearance Management Plan 2019 - 2020

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#### **1. Purpose**

To adopt the Electric Line Clearance Management Plan 2019 - 2020.

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#### **2. COUNCILLORS PENTREATH / WILSON**

##### **That Council:**

- 1. Adopt the Electric Line Clearance Management Plan 2019 – 2020.**
- 2. Instruct the Chief Executive Officer to publish a copy of the Electric Line Clearance Management plan on the council website.**
- 3. Instruct the Chief Executive Officer to make the plan available at the council's principal office.**

#### **CARRIED**

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#### **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 regarding this matter.

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#### **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*.

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#### **5. Instrument of Delegation**

Officers do not have delegated authority to carry out this function therefore this matter must come to Council for resolution.

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#### **6. Background**

The Electricity Safety Act 1998, states that the Campaspe Shire Council is responsible for avoiding and minimising the impact of vegetation on power lines in the Declared Areas of Echuca, Kyabram and Rochester. Under regulation 9(2) of the Electricity Safety (Electric Line Clearance) Regulations 2015 this includes the preparation of an electric line clearance management plan that relates to compliance with the Code for the next financial year, is prepared prior to 31 March each year.

In order to meet these responsibilities Council must develop an electric line clearance management plan and ensure it is reviewed annually prior to the regulated due date. The plan describes how Council will carry out electric line clearance works and the measures that are put in place to ensure compliance with the relevant Acts, Regulations, Codes of Practice, Rules and Standards. The annual review process is in place to update

the plan to ensure the accuracy and currency of its content. Further, it is to inform Council of its responsibility under regulation 10(7).

Regulation 10(7) states that the responsible person must ensure that a copy of the management plan is

- (a) Published on the responsible person's internet site, and
- (b) Available for inspection at the responsible person's principal office in the State during normal business hours

Energy Safe Victoria (ESV) is the independent technical regulator responsible for electricity, gas and pipeline safety in Victoria. This includes electrical infrastructure such as powerlines. Under regulation 10(3) Council would be required to submit its plan to ESV if requested. ESV evaluates management plans to ensure they are fit for purpose and comply with the regulations. Upon request Council must provide a copy of the plan within 14 days or a longer period specified by ESV.

A major part of the review is the completion of the annual audit undertaken by the Arboriculture officer to identify vegetation that has, or has the potential to encroach into the clearance space required by the Code of Practice. A program of vegetation clearing is compiled from the results of the audit and the works are programmed within the timeframes specified within the management plan and carried out by a suitably qualified and experienced contractor. All works undertaken by the contractor are supervised and audited by Council's Arboriculture Officer.

The electric line clearance management program forms part of the Parks and Gardens annual operational program of works.

## 7. Content

The annual review of the plan is now complete and covers the requirements of the Electricity Safety (Electric Line Clearance) Regulations 2015.

## 8. Issues and Risk Management

### Issues:

Nil

### 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

Strong and Engaged Communities:	No impact
Resilient Economy:	No impact
Healthy Environment:	The plan and associated works aim to protect the safety of residents and the amenity of the environment by reducing the incidence of risk from fire and other electrical safety matters
Balanced Services and Infrastructure:	No impact
Responsible Management:	No impact

**10. Consultation**Internal Consultation:

- General Manager Regulatory and Community Services
- Parks and Gardens Coordinator
- Arboriculture Officer

External Consultation:

- ESV - Regulator

**Cr Mackrell declared a conflict of interest in item 7.5 and vacated the Chamber at 5:21pm**

## **7.5. Scenic Drive and Victoria Park Infrastructure and Service Plan**

**Mr Jason Warren addressed Council in relation to item 7.5**

**Author:**

Fraser Neele, Recreation Planner

**Responsible Manager:**

Acting Recreation Manager

**Attachments:**

- 7.5.1 Scenic Drive and Victoria Park Infrastructure and Service Plan prepared by Insight Leisure Planning dated 22 January 2018
- 7.5.2 Council Minutes for the meeting dated 30 January 2018 for the Decision on Item 6.4.
- 7.5.3 Plan of proposed lawn tennis court location prepared by Aurecon, undated
- 7.5.4 Letter from Echuca Lawn Tennis Club and Echuca South Tennis Club dated 31 January 2019, accompanying approvals from Presidents.
- 7.5.5 Letter from Major Roads Projects Authority dated 11 February 2019
- 7.5.6 Letter from the Department of Environment, Land, Water and Planning dated 14 February 2019

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### **1. Purpose**

This report is to rescind the Council Decision made on the 30 January 2018 in relation to item 6.4 of that agenda, for the adoption of the Scenic Drive and Victoria Park Infrastructure and Service Plan dated 22 January 2018 (hereafter The Plan).

The decision is to be replaced by a similar one that allows the replacement tennis courts to be located in the cleared area to the north-east of the existing courts, as consented to by the relevant stakeholders. This location is shown in attachment 7.5.3 and aligns with the original Plan that was exhibited to the public.

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### **2. COUNCILLORS VICKERS / PANKHURST**

**That Council:**

- 1. That Council acknowledge the location of the Tennis courts in the Victoria Park Master as determined in its decision on Item 6.4 of the meeting held on 30 January 2018 cannot be enacted due to legislative constraints contained within the Planning and Environment Act 1987.**
- 2. Adopt the Scenic Drive and Victoria Park Infrastructure and Service Plan (January 2018) prepared for council by Insight Leisure Planning without amendment.**
- 3. Note that all other actions related to item 6.4 at its meeting on 30 January 2018 remain unchanged and are provided below for clarity and consistency regarding this decision.**

4. **Note that officers will prepare an implementation plan based on the endorsed initiatives and activities and associated priority levels endorsed by Council, inclusive of estimated project costs and a funding strategy, for future consideration by Council.**
5. **Note that officers will form an advisory group to progress the planning of the proposed multi-purpose pavilion including current and potential future users of the reserve.**
6. **Instruct officers to investigate opportunities and liaise with potential partners regarding the management of Victoria Park and the separation of the bushland areas from the formalised sporting and community infrastructure.**
7. **Approve endorsed initiatives to be pursued and delivered where they can be accommodated within Council's standard operating or capital budgets without impact on other projects, or where grants can be obtained without further funding demand or commitment from council.**

## **CARRIED**

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### **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 regarding this matter.

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### **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*.

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### **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.

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### **6. Background**

An Infrastructure and Service Plan was prepared for the Scenic Drive and Victoria Park Reserves in 2017, with the Plan adopted by Council on the 30 January 2018.

#### Contents of Plan

This plan included a comprehensive long term vision for the infrastructure and management of the site including the large areas of natural bushland, the passive recreation space of the historic botanical gardens, the active waterfront and boat ramp area and the formalised recreation reserve, including the lawn tennis courts, CFA running track, netball courts and main oval. The plan included a large number of developments and changes including:

- Realigning the access to the boat ramp, redeveloping the historic Rose Gardens;
- Accommodating the Major Roads Project Authority's (MRPA) Echuca Bridge Project, including throughout the construction process;
- Redeveloping the Boat Ramp area including the adjacent car parking, terracing and green spaces;
- Connecting the Boat Ramp area to the Riverboat Dock project area along the Watson Street alignment and riverfront;

- Redeveloping the path network throughout the bush areas, including removing cars and vehicles from the space and rehabilitating key points of cultural and environmental interest;
- Exploring new management models for the reserve, including potential separation of the formalised areas from the bushland reserve;
- The development of a new multi-purpose pavilion to accommodate all Council users on the site in a new, state of the art facility, resurfacing of oval and improvement of parking and access;
- Relocating the six lawn tennis courts being displaced by the MRPA project into the cleared space that formerly accommodated the District Netball Facility.

#### Adoption of Plan and Original Council Decision

Council adopted this plan, with a variation to change the position of the six replacement tennis courts. Council determined to locate these immediately to the north of the existing courts.

Council adopted the plan with the decision below:

#### *That Council:*

1. *Adopt the Scenic Drive and Victoria Park Infrastructure and Service Plan (January 2018) prepared by Insight Leisure Planning with the exception that the six new tennis courts be located in the yellow hatched area immediately north of the existing courts shown at figure 1, page 40 of the officer's report.*
2. *Note that officers will prepare an implementation plan based on the endorsed initiatives and activities and associated priority levels endorsed by Council, inclusive of estimated project costs and a funding strategy, for future consideration by Council.*
3. *Note that officers will form an advisory group to progress the planning of the proposed multi-purpose pavilion including current and potential future users of the reserve.*
4. *Instruct officers to investigate opportunities and liaise with potential partners regarding the management of Victoria Park and the separation of the bushland areas from the formalised sporting and community infrastructure.*
5. *Approve endorsed initiatives to be pursued and delivered where they can be accommodated within Council's standard operating or capital budgets without impact on other projects, or where grants can be obtained without further funding demand or commitment from council.*

During implementation of this decision, it became apparent that the position of the Department of Environment, Land, Water and Planning (DELWP) in relation to the removal of any additional native vegetation was that an application for removal of the vegetation would be required and would need to meet the requirements contained within the Planning and Environment Act.

The investigation concluded that the legislative requirements were insurmountable and it was not possible to construct the tennis courts in the Tennis clubs preferred location. The Tennis club have now written to Council requesting that the Courts be constructed in the original location as nominated in the Insite Leisure Planning report.

#### **Issues:**

##### Issue 1: Capacity to locate the Tennis Courts in compliance with Council's decision

The decision of Council to specify the location of the new tennis courts to the north of the existing tennis courts contradicted the advice of DELWP, who stated that they would not support a proposal that resulted in any unnecessary removal of native vegetation.

The location of the tennis courts immediately to the north of the existing courts, as determined by council would result in the removal of a large number of mature and established trees. During implementation it became apparent there was several issues with this location relating predominantly to the removal of native vegetation.

These were:

- The removal of native vegetation was considered unnecessary under Clause 52.17 of the planning scheme due to the alternate viable location that reduced the tree removal;
- DELWP as both the owner of the land, and the Recommending Referral Authority under Clause 52.17 of the planning scheme stated they would not support the location for the reason stated above;
- MRPA and DELWP (as the state planning authority) indicated that the removal of additional native vegetation could not be undertaken as part of the bridge project, and would need to be done by the Tennis Club due to the potential conflict and additional impact on the Bridge Project.

#### Issue 2: Consultation and negotiation

Immediately after the council decision, officers organised meetings with relevant agencies and partners including DELWP and MRPA. These meetings were in order to investigate the means of implementing the council decision, while satisfying the needs of authorities and users.

Over the course of these meetings it was apparent that DELWP was not supportive of the removal of vegetation that could be avoided. This was consistent with the advice provided by DELWP through the planning process.

This consultation was carried out in depth over a 12 month period. Due to the conflicting priorities presented, there was no win-win solution to the problem resulting in a protracted negotiation process. The eventual outcome was the agreement to the location shown on the attached plan by the Tennis Club. It was determined that the location of the courts would allow for a useable connection to the existing tennis facility while minimising vegetation removal and impacts on other infrastructure and users.

#### Issue 3: Ongoing Engagement with ELTC and ESTC

There has been ongoing engagement with the combined tennis clubs throughout both the master plan development and since adoption relating to the implementation of the plan and Council's original determination.

The Tennis Clubs, in their letter consenting to the proposed location of the tennis courts reiterated other concerns they had with the plan throughout the initial engagement process. This included their position relating to the development of the common pavilion on the grounds that their existing pavilion is adequate, access to the facility across the council managed space and the ownership and management conditions of the land.

The circumstances surrounding both these issues have not changed since the previous council decision. Council will continue to work towards developing a new pavilion engaging with all potential users throughout the process. In this case the tennis clubs will continue to be a potential user of the space and will be engaged in a manner appropriate to their participation.

#### **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.

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## **7. Options**

Option 1: Replace the original council decision with a new resolution to include the tennis courts in the location as requested by ELTC in its January 2019 letter and as documented in the Scenic Drive and Victoria Park Infrastructure and Service Plan (January 2018) prepared for council by Insight Leisure Planning

This will allow the progression of the master plan within the short term and allow for the completion of the replacement tennis courts. The determination has the capacity for minor variations to be undertaken where agreement is reached with all affected stakeholders to ensure compliance with legislative requirements and the needs of users.

This option is recommended by officers.



### Option 2: Do nothing

This would result in there being no change in Council's strategic position regards the position of the tennis courts.

This would result in the perpetuation of the current impasse and would contradict the stated position of DELWP, who have indicated that the position will not be supported by them either as the primary manager of the land, or as the referral authority under the requirements of Section 55 of the *Planning and Environment Act, 1987*.

This would cause either delaying the Echuca Moama Bridge Project or result in the replacement courts not being constructed.

This option is not recommended by officers.

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## **8. Strategic Planning Environments**

The recommended decision continues to align with the requirements, guidelines and outcomes of the Council Plan and strategic documentation for the reasons enumerated in this section of the previous report (See Section 10 of item 6.4 in the January 2018 Council Meeting).

The new decision will continue to achieve these, with the process undertaken to reach this point aligning with council values relating to engagement with the community, responsible management and cooperation with other government authorities, bodies and organisations.

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## **9. Consultation**

### Internal Consultation:

Internal consultation has been undertaken where necessary. Primarily this has been with the Planning Department in relation to Council's role as the Responsible Authority regarding the removal of native vegetation.

Councillors were briefed on the 20 February 2018 and 5 March 2019 Council Briefing Sessions.

### External Consultation:

External consultation with the ELTC and ESTC was undertaken in relation to this project. This included organising meetings with MRPA and DELWP as well as engaging with Aurecon as the consultant appointed by MRPA to resolve the situation.

Ongoing engagement with Aurecon as the representative of ELTS as well as with MRPA has occurred throughout the year since the council decision.

### Public Engagement:

General public engagement has not been undertaken due to the following:

- The discussions impacted only on a single stakeholder who was engaged with;
  - The original plan and adoption was widely exhibited with a large amount of public engagement undertaken throughout the preparation and adoption;
  - The recommended outcome aligns with the original findings and recommendation to council;
  - There has been no changes made to the Scenic Drive and Victoria Park Infrastructure and Service Plan since the previous decision.
-

**Cr Mackrell re-entered the Chamber at 5:29pm**

## **7.6. Council Policy 093 – Contribution to Recreation Reserve Maintenance**

### **Author:**

Kerrie Hawkes, Acting Recreation Manager

### **Attachments:**

7.6.1 Draft Council Policy 093 – Contribution to Recreation Reserve Maintenance

7.6.2. Council Policy 093

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### **1. Purpose**

To present to Council for adoption the revised Council Policy 93 – Contribution to Recreation Reserve Maintenance.

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### **2. COUNCILLORS PENTREATH / NEELE**

#### **That Council:**

- **Adopt Council Policy 93 – Contribution to Recreation Reserve Maintenance as per attachment 7.6.**
- **Note the Policy will not be implemented until the 2020/21 budget period.**

**Cr Wilson foreshadowed an alternate motion should the motion be lost**

**The motion was PUT to the VOTE and was CARRIED**

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### **3. Conflict of Interest**

In accordance with Section 80C of the *Local Government Act 1989*, the officer preparing this report declares a conflict of interest as follows:

- As acting secretary of Bamawm Extension Pony Club it could be perceived the author of this report has a conflict of interest relating to this policy.
- 

### **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*.

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### **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.

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## 6. Background

In 2011 Council developed and implemented Policy 93 – *Contribution towards Maintenance of Recreation Reserves* in its current format. The purpose of the Policy at that time was to ensure recreation reserves within the Shire received a maintenance contribution in accordance with the defined service standard for that category of facility as per a defined infrastructure matrix.

The current Policy is complex, has a number of inconsistencies, does not align with the current Council Plan, excludes a large number of sports and activities that take place on the reserves and is based on benchmarking and industry best practice from the last formal, comprehensive review in 2011.

While a minor review was undertaken in 2015, this only included minor amendments such as an increase in funding based on Consumer Price Index (CPI).

In late 2017, Councillors requested a Recreation Reserve Review which was to include:

- Policy 93 Council Contribution to Recreation Reserve Maintenance.
- Management Models
- Policy 133 Recreation Fees & Charges
- Capital Investment – Renewal, Upgrade and New

The evolution of Council, the change in the Council Plan, the focus on health and wellbeing and changes in the range of sports and activities taking place on the reserves has contributed to the delivery of a Policy that accounts for participation rather than population, a subsidy per person model and an alternative model for the equitable distribution of funds across the Shire.

Extensive research across other Local Government funding models and policies was carried out to develop a Policy that aligns with the expectations of Councillors, the Council Plan and industry best practice.

The development of the following has provided the foundation on which the Policy has been built;

- a concise **purpose** that clearly states 'why' fund recreation reserves
- **Principles** that align with the Council Plan and encourage participation, co-location and future sustainability of committees and clubs. State and Federal funding opportunities have indicated funding applications that show high or growth in participation, are of benefit to multiple users or groups along with documented three (3) to five (5) year future planning will be viewed favourably.
- **Inclusion or Exclusion** of various sports and/ or activities - the current Policy is exclusive of a number of activities and sports that take place on the reserves. This Policy focuses on the maintenance of the reserve rather than the provision of a fund that is focused on a limited number of sports.
- **Classification model** - the Sport and Recreation industry classification systems are not necessarily aligned when it comes to the different sporting codes. The Policy has alignment with aspects of the AFL, Netball and Cricket classification. The Policy also includes a classification hierarchy that takes into account geographic spread, other sports and other recreation activities undertaken in the Shire.
- **Criteria for Classification model** – Responding to Councillor feedback, the criteria has been developed to use participation levels, competition level (majority are local level competitions), Infrastructure, playing surfaces, co-location and the frequency of use.

## 7. Issues and Risk Management

### **Issues:**

#### Issue 1: Co-location and distribution of reserves

The Policy has taken into account the distribution of reserves across the Shire and the activities that take place at each reserve.

The Policy is encouraging co-location of user groups to increase participation numbers at reserves which in turn increases the sustainability of the reserves. While sharing facilities and grounds is a new concept for many committees and users, it is an important step towards sustainability.

#### Issue 2: Change to Classifications

In the current Policy there are six (6) different classifications with various degrees of infrastructure required to support particular activities that take place on the reserve. The reviewed Policy will see three (3) classifications aligning with minimum industry standards across a range of activities.

#### Issue 3: Funding

Some recreation reserves will receive slightly less funding. However, the growth in participation and future planning for the committees and clubs should see those funds recouped. Implementation of a fee policy based on usage will also see clubs paying fees proportionate to their usage. Data provided to date has indicated that many committees are not charging fees or the fees are not in proportion with their user groups high usage.

In many instances the pavilion is also regularly utilised for private events/ parties. Appropriate casual use hire fees should be applied to assist in securing funds towards the cost of maintenance and utilities.

Some reserves will receive slightly more funding. This is based on their co-location of clubs at facilities, usage and participation data.

Privately owned, leased or licenced facilities are not eligible for funding under this policy. Officers have commenced working with the committees of reserves that will no longer receive funding. This will include club development for the users of the facility, committee development to identify alternative funding opportunities and long term planning for the committee and clubs.

#### Issue 4: Open Spaces funding

Under the current Policy there are a number of reserves that are considered open space. These spaces will continue to receive their current funding, however will no longer be funded under Policy 93 and will be addressed under the Open Spaces Strategy.

#### Issue 5: Implementation

Given the Policy will impact financially (positive or negative) recreation reserves, it is proposed the new Policy is not implemented until the 2020/21 budget.

For those that may no longer be eligible for funding under the Policy, a transition to 50% of current funding amount in 2020/21 and zero funding in 2021/22. As identified earlier in this report, Officers will work with the committees to identify alternative funding or fundraising opportunities.

### **Risk:**

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

## 8. Options

### Option 1: to adopt the revised policy as presented.

This option is recommended by officers.

The revised Policy addresses the gaps and inconsistencies in the existing Policy. Being based on participation, co-location and actual usage data reflects the true purpose of the reserve and provides a Policy that aligns with industry best practices and sporting code guidelines. The Policy sees consistency across the Shire regarding classification, supporting diversity of use, provides a subsidy per participant/ player and aligns with Council's plan of encouraging health and wellbeing in our communities.

### Option 2: not adopt the revised policy as presented.

This option is not recommended by officers.

To not adopt the Policy as presented would result in the continued implementation of the current Policy. The current Policy does not align with the present Council Plan priorities of Health and Wellbeing.

## 9. Strategic Planning Environments

Strong and Engaged Communities:	The Policy will ensure a base maintenance fund is provided to recreation reserves, encouraging participation and active living aligning with improved health and wellbeing of our communities.
Resilient Economy:	The Policy will assist in building the capacity of both committees and clubs aiming for sustainability and future planning for the reserves.
Healthy Environment:	Not applicable
Balanced Services and Infrastructure:	The Policy has been developed to align with industry best practice regarding infrastructure service and provision across the Shire ensuring the current and future needs are being met.
Responsible Management:	The Policy has been developed in consultation with committees who are responsible for the day to day management of recreation reserves in the Shire. The inclusion of officer assistance for club development to assist with developing strong community partnerships and improved (where required) management systems.

## 10. Consultation

### Internal Consultation:

- Executive Management Group
- Recreation team
- Community Development
- Councillor

### External Consultation:

- Committee of Management workshop – Echuca 19 November 2018
- Committee of Management workshop – Rochester 21 November 2018
- Committee of Management workshop – Kyabram 26 November 2018
- Meeting with Bamawm Recreation Reserve Committee – 10 December 2018 and 25 February 2019

## **7.7. Port Property Review**

### **Author:**

Sally Ruckwood, Property and Legal Manager

### **Attachments:**

7.7.1 Draft Council Commercial Leasing Policy 110

7.7.2. Internal Commercial Leasing Policy 110

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### **1. Purpose**

Acknowledge the comprehensive review of Properties in the Port Precinct is complete and Council agree to retain ownership of the properties. To present to Council for adoption the Commercial Leasing Policy that has been reviewed. To seek approval to undertake expressions of interest to lease Customs House and Telley House in accordance with adopted policy.

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### **2. Recommendation**

That Council:

1. Agree to a definition of "Port Property Precinct" being:
  - the area bounded by High Street, Radcliffe Street, and Murray River (downstream), to the end of the area known as Riverboat Dock. The precinct includes land and buildings on both sides of the street along Murray Esplanade.
2. Retains ownership of all Council freehold land and buildings in the Port Property Precinct.
3. Retains ownership of all buildings on Crown Land in the Port Property Precinct where Council are the Department of Environment, Land Water and Planning (DELWP) appointed Committee of Management.
4. Endorse Internal Management of Council Properties in accordance with Legislation and Council policies.
5. Adopt the reviewed Council Commercial Leasing Policy 110.
6. Agree to undertake an Expression of Interest process to lease the property Telley House located at 51 Murray Esplanade, Echuca for a term up to 1 April 2027.
7. Agree to undertake an Expression of Interest Process to lease the property for Customs House located at 2 Leslie Street, Echuca, inclusive of all the land and building on certificate of title Volume 5643 Folio 422 for a term up to 21 years.

**Cr Wilson questioned in regard to section 79 of the Local Government Act are there any Councillors that have an indirect conflict of interest by close association being a family member or such participating or working or employed in the Port Precinct area.**

**Cr Vickers declared a conflict of interest in item 7.7 as her partner works part time on a boat and vacated the Chamber at 5:38pm**

**COUNCILLOR WILSON****That Council:**

1. **Agree to a definition of “Port Property Precinct” being:**  

the area bounded by High Street, Radcliffe Street, and Murray River (downstream), to the end of the area known as Riverboat Dock. The precinct includes land and buildings on both sides of the street along Murray Esplanade.
2. **Retains ownership of all Council freehold land and buildings in the Port Property Precinct.**
3. **Retains ownership of all buildings on Crown Land in the Port Property Precinct where Council are the Department of Environment, Land Water and Planning (DELWP) appointed Committee of Management.**
4. **Endorse Internal Management of Council Properties in accordance with Legislation and Council policies.**
5. **Adopt the reviewed Council Commercial Leasing Policy 110.**
6. **Agree to undertake an Expression of Interest process to lease the property Telley House located at 51 Murray Esplanade, Echuca for a term up to 1 April 2027.**
7. **Agree to undertake an Expression of Interest Process to lease the property for Customs House located at 2 Leslie Street, Echuca, inclusive of all the land and building on certificate of title Volume 5643 Folio 422 for a term up to 21 years.**
8. **That Council note the following:**  

There is no confidence by Councillors in the Mayor, Cr Weston to provide adequate governance in matters relating to the Port Precinct.

The Mayor advised that he will not accept that as a proposed motion, as it is not an appropriate motion to move and is simply not related enough to this to believe that that’s a reasonable motion.

The Mayor sought advice from the Governance Manager

The Mayor advised that after seeking advice from the Governance Manager he does not believe that dot point 8 proposed, I am of the view that the matter is simply not related to the Port Property Review, therefore I won’t allow that motion to be put.

Cr Wilson then moved a motion of dissent of the Chair.

**COUNCILLORS WILSON /PANKHURST****MOVED A DISSENT AGAINST THE CHAIR’S RULING**

Cr Zobec sought clarification from the Mayor that Cr Vickers can return to the Chamber to make a decision on this matter which was affirmed by the Mayor.

The Mayor called a recess at 5:43pm to seek clarification on the motion but no motion was called or passed.

Cr Vickers re-joined the meeting at 5:43pm

The meeting resumed at 5:48pm

**The Mayor called for a nomination for a Temporary Chair**

**COUNCILLORS VICKERS / MUNRO nominated Cr Neele to assume the position of Temporary Chair**

**Cr Neele assumed the Temporary Chair at 5:49pm**

**The CEO vacated his seat and the Governance Manager assumed his seat at 5:50pm**

**Cr Mackrell sought further clarification on the dissent motion**

**Cr Weston sought clarification on whether there needs to be a vote put to affirm the temporary Chair**

**The Temporary Chair advised that the motion to nominate a Councillor to the Temporary Chair was not necessary as under Local Law if the Mayor vacates the Chair, the Deputy Mayor is the automatic person to take the Chair.**

**Cr Wilson was requested to state his reasons for his dissent by the Temporary Chair**

**Cr Wilson provided his reason for the dissent**

**That the Mayor while in the Chair refused for this to be accepted as an amendment. When the Local Law part 8.22 moving an amendment, the reference is, an amendment cannot be negative or substantially contrary to the motion.**

**Cr Weston, who made the ruling as Chair, was then asked whether he would like to reply**

**I took both advice and considered it myself, the nexus between a vote of no confidence by the Councillors in the Mayor, Cr Weston, to provide adequate governance in matters relating to the Port, in the absence of any material evidence that demonstrates the same, it's simply not there, and two I don't believe there is an adequate nexus between what we're considering which is the Port Property leasing and what was included as part of the additional point that was moved as the motion added to the recommendation. The first seven points of the recommendation relate to the Port Precinct properties leases and the last point of the motion that was moved by Cr Wilson simply doesn't have an adequate nexus between the two. It's not related enough to the matter that Council is being asked to consider by way of this agenda item. Therefore, as Chair felt that it was appropriate not to include that extra point as part of the motion.**

**The Temporary Chair then called for the following motion to be put to the vote**

**THAT THE CHAIRPERSON'S RULING BE UPHELD**

**The motion was CARRIED and then Cr Weston resumed the Chair at 6:02pm**

**Cr Vickers left the meeting at 6:02pm**

**Cr Wilson sought clarification from the Governance Manager that for a procedural matter taking place during an item that a Councillor has declared a conflict of interest on would entitle the Councillor to re-enter the Chamber to participate in a procedural motion through that item.**

**The Governance Manager advised that council would have to get legal advice, but given it is a procedural motion and not related to the item that the interest was declared on, I would suggest that it would be reasonable for the Councillor to come in and vote but that is subject to getting legal advice on the matter.**



**COUNCILLORS WILSON / PANKHURST****That Council:**

1. **Agree to a definition of “Port Property Precinct” being:**  

**the area bounded by High Street, Radcliffe Street, and Murray River (downstream), to the end of the area known as Riverboat Dock. The precinct includes land and buildings on both sides of the street along Murray Esplanade.**
2. **Retains ownership of all Council freehold land and buildings in the Port Property Precinct.**
3. **Retains ownership of all buildings on Crown Land in the Port Property Precinct where Council are the Department of Environment, Land Water and Planning (DELWP) appointed Committee of Management.**
4. **Endorse Internal Management of Council Properties in accordance with Legislation and Council policies.**
5. **Adopt the reviewed Council Commercial Leasing Policy 110.**
6. **Agree to undertake an Expression of Interest process to lease the property Telley House located at 51 Murray Esplanade, Echuca for a term up to 1 April 2027.**
7. **Agree to undertake an Expression of Interest Process to lease the property for Customs House located at 2 Leslie Street, Echuca, inclusive of all the land and building on certificate of title Volume 5643 Folio 422 for a term up to 21 years.**

**The motion was PUT to the VOTE and was CARRIED**

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**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 regarding this matter.

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**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*.

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**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.

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**6. Background**

In April 2017 Council made the following resolution:

*That Council:*

2. *Develop a strategy for the Port Precinct including the future of its land holdings in that area.*

Following Council’s resolution in April 2017, the development of a Port Precinct Strategy was commenced and a vision and strategic directions were developed and presented to Council for adoption.

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On 26 June 2018 Council made the following resolutions in relation to the Port Precinct Strategy:

*That Council:*

1. *Note the vision and strategic directions have been developed following extensive community and stakeholder consultation and engagement.*
2. *Note the vision “A place to take your time, relax and enjoy yourself” as the vision for the precinct.*
3. *Note the strategic directions that support the implementation of the vision as:*
  - a. *A place to linger, interact and connect*
  - b. *A destination celebrating living with nature and history*
  - c. *An arts and culture, events and entertainment hub*
  - d. *A place where collaboration makes it happen*
4. *Note the public realm opportunities identified in the ‘Port of Echuca Future – Report May 2018’ as some of the ways council may support implementation of the vision and strategic directions.*
5. *Note the “Port of Echuca Future – report may 2018” as a background report summarising the inputs to the development of the vision, strategic directions and opportunities.*

On 26 June 2018 Council made the following resolution in relation to the Port Properties:

*That Council:*

1. *Undertake a comprehensive review of all Council owned properties within the Port Precinct to determine Council’s future property portfolio and criteria for use to progress the vision and strategic directions for the Port Precinct noted by Council.*
2. *Receive a further report on the outcomes of the comprehensive review of all Council owned land holdings and buildings stock within the Port Precinct with recommendations on the future ownership and use of the properties by March 2019.*

On 17 July 2018 Council made the following resolutions in relation to the Port Precinct Strategy:

*That Council:*

1. *Endorse the vision for the Port Precinct being:*  
*“A place to take your time, relax and enjoy yourself”*
2. *Adopt the Strategic Objectives that support the implementation of the vision being:*
  - a. *A place where collaboration makes it happen*
  - b. *A destination celebrating living with nature and history*
  - c. *An arts and culture, events and entertainment hub*
  - d. *A place to linger, interact and connect*
3. *That the Chief Executive Officer prepare a draft implementation plan based on the vision and strategic objectives and include actions, budgets and deadlines in those areas relevant to Council.*
4. *That the draft implementation plan be brought back to Council for consideration highlighting any further community engagement that maybe required.*

## Policy

Policies are critical to the strategic objectives of Council and provide a predetermined course of action to the community.

As a part of the policy review process a Review and Evaluation of Policy Guideline was developed and introduced to assist staff in the evaluation process by providing a basic evaluation and review methodology to assist in determining the effectiveness of the policy and the extent to which the policy has met or is meeting its objectives.

There are five overarching objectives for the policy review process which are to:

1. Ensure that policies reflect current legislative and regulatory requirements.
2. Reaffirm, where possible, current practice is consistent with similar activities within the Local Government sector.
3. Meet the functional and operational requirements of council staff in executing policy.
4. Be responsive and reflective of the needs of council's stakeholders and ratepayers.
5. Be relevant to the local government context in which Campaspe Shire Council operates and strive for best practice in policy development.

Council Commercial Leasing Policy 110 has been reviewed by the responsible officer as per the Review and Evaluation of Policy Guideline.

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## 7. Content

A comprehensive review of Council Port Precinct properties was undertaken between periods of May 2018 to March 2019. The review included a detailed look at each of the properties tenancy, terms, use of existing properties, financial overview, management models and noting the review excluded the operation of the Discovery Centre and Wharf area.

The review consisted of three key phases, spilt into fundamental areas:

1. Freehold Land and Buildings
2. Crown Land Buildings
3. Overview, Management models and Commercial Leasing Policy

Council briefing sessions established the following key principles of retaining ownership of Council properties within the Port Property Precinct and can be applied more broadly across the Shire:

- Preservation of Historic Council Buildings
- Maintaining the heritage of the precinct
- Promotion of tourism and economic development
- Support social and cultural outcomes
- Balance the ability to generate an economic return with the use of the buildings (best value)

These principles support and align to Council's endorsed Port Precinct Strategy and enable Council to contribute to the realisation of the Port Precinct Vision.

## Heritage and Commercial Properties

Council managed Crown Land properties in the Port Property Precinct are generally for showcasing the heritage of the area, with historic use and lost trades. Freehold owned properties in the precinct are generally commercial in nature, with the exception of the Arts Precinct specific area and through the spine of the broader precinct. Council position is to maximise in the first instance where possible the commercial return on freehold properties.

## Guiding Principles

To achieve consistency in Commercial Leasing across the Shire officers recommend one set of guiding principles, therefore aligning the principles with the more stringent DELWP Leasing Policy for Victorian Crown Land May 2018.

## Management Models

To comply with the legislative requirements of the Local Government Act, Crown Land Reserves Act and to achieve consistency across one set of guiding principles for both Crown and Freehold land in the Port Property Precinct officers recommended an Internal Management Model with the assistance of specialist support as required, as it is the most efficient and cost effective model of management. Meeting all the legislative obligations this model will align with the DELWP Leasing Policy for Crown Land May 2018.

## Future Tenancies

It is recognised that the Customs House, 2 Leslie Street, Echuca will be vacated shortly by the existing tenants and Council will need to take steps to occupy the property and secure a long term tenant.

The existing building traditionally has not been a highly sought after property due to the restrictive nature of the building openings, visibility inside and ease of access. Council officers have identified the opportunity to include the lawn area behind the building, increasing the footprint of the leasable area for potential tenants. The building and lawn area are contained on the one title.

The benefits of incorporating the lawn area will allow future tenants an opportunity to maximise business in the existing building, utilising two street frontages and opening up the site. The possibilities of utilising the additional space are broad and could potentially include the introduction of new buildings or infrastructure to the location. This would align with the vision and strategic directions of the Hirst Report for the Port Precinct.

Increasing the footprint of the leasable area has the potential to attract a higher interest and investment from possible tenants, when aligned with a long term occupancy of the property with a higher rental return to Council. For this reason a lease term up to 21 years would be beneficial. If Council did not agree to inclusion of the lawn area on the same title, it would be anticipated reduced interest and financial return could be derived by Council for this property.

Telley House, 51 Murray Esplanade, Echuca is currently vacant and the recent expression of interest for a short term occupancy was unsuccessful. Council officers recognise an opportunity exists to bring forward planned works to the toilet, bringing the facility up to a standard of DDA compliance. This will allow Council to undertake an Expression of Interest for a long term tenant.

Consideration needs to be made in relation to the lease term offered on this property due to the adjoining public toilets and ability for holding a liquor licence against the property. Council's Tactical approach to Toilets Strategy will be considered when reviewing the future of the adjoining public toilets and in accordance with the end of lease of the adjoining Star Hotel in April 2027. For this reason a lease term for Telley House up to April 2027 allows for strategic planning of these public toilets.

## Policy

The Commercial Leasing Policy applies across the Campaspe Shire. The revised policy is attached, and this is presented to the 19 March 2019 Council meeting for adoption.

Key changes of the policy:

- Council Policy, no longer Internal Policy

- Expression of Interest process required for leases with a term of 12 months or more for all properties across the Shire
- Set criteria meeting the visions and objectives of the port precinct and other locations within the Shire
- Clarification on definitions of lease, licence, residential agreements
- Exceptions to lease directly to adjoining landowners, e.g. vacant, farm or industrial land
- Exceptions to Leasing Policy for Local Community Organisations and Artisans

## 8. Issues and Risk Management

### **Issues:**

#### Issue 1:

Two key properties will be vacant in the Port Property Precinct, with one presently vacant and another the licence about to expire, prior to Council having a clear direction for the future leasing policy across the Shire. The recommendation proposes Council decide upon the retention of freehold properties within the Port Property Precinct and adopt a revised Commercial Leasing Policy to guide the future use of these two key properties.

#### Issue 2:

Council have been challenged on application of current leasing principles in the Port Property Precinct by past tenants and community members. The draft Commercial Leasing Policy sets clear parameters to be used consistently across the Shire.

#### Issue 3:

Current leasing policy references outdated strategic objectives no longer relevant following Council adoption of the current Port Precinct Strategy and Vision in July 2018. The draft Commercial Leasing Policy aligns with the Port Precinct Strategy and Vision endorsed by Council in July 2018.

### **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

Strong and Engaged Communities: No Impact

Resilient Economy: The development of a clear direction for Council's land holdings and buildings within the Port Precinct that aligns to the vision and strategic directions endorsed by Council, provides certainty for all stakeholders and enables Council to leverage its contribution within the Port Precinct, thereby supporting Campaspe's tourism opportunities.

Healthy Environment: No Impact

Balanced Services and Infrastructure: Having a clear direction for Council's land holdings and buildings within the Port Precinct that aligns to the vision and strategic directions endorsed by Council will allow Council to maximise the use of its assets. Application of the Commercial Leasing Policy across the Shire. Policies improve delivery of services to the community and give a clear direction to officers.

Responsible Management: The clear guidance on the future use of Council's assets in the Port Precinct and across the Shire will enable the clarity of service delivery by Council in a fiscally responsible manner in accordance with good governance practices. Council Policy assists with establishing guidelines, effective decision making and being accountable to the community.

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## **10. Consultation**

### Internal Consultation:

- Planning and Building Manager, Governance Manager, General Manager Corporate Services, Acting General Manager Infrastructure, River Services Manager

### External Consultation:

- Real Estate Agent, Council Solicitors, DELWP and other Local Governments

Councillors at multiple Council Briefing Sessions on 22 May 2018, 12 June 2018, 30 October 2018, 4 December 2018 and 5 March 2019, discussing all Council properties within the Port Property Precinct, including tenancy, options for freehold land, crown land, management models for the port property precinct, financials, policies and current practices.

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## **11. Officer Comment**

The updated Council Commercial Leasing Policy strengthens Council's position in management of properties across the Shire. Offering fairness and transparency to the community and a level of probity and good governance to Council procedures.

## 8. Council Information

Cr Vickers re-entered the Chamber at 6:22pm

The CEO resumed his seat at 6:22pm

### 8.1. Assembly of Councillors Records

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

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**1. Purpose**

To present to Council the open records for the Assemblies of Councillors held in the month of February 2019.

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**2. COUNCILLORS MUNRO / PANKHURST**

**That Council note the Assembly of Councillor records as outlined in this report.**

**CARRIED**

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**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.

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**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*.

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**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.

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**6. Background**

The *Local Government Act 1989* provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

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

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

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

## 7. Content

The following Assemblies of Councillors were held in the month of February 2019:

<b>Meeting Information</b>			
Meeting Name/Type	Campaspe Briefing Session		
Meeting Date	5 February 2019		
Start time:	9:30am	Finish time:	3:03pm
Matters Discussed	<ol style="list-style-type: none"> <li>1. Welcome, present and apologies</li> <li>2. Declaration of Interests</li> <li>3. Future Meetings</li> <li>4. Mayor and Committee Representatives Report               <ol style="list-style-type: none"> <li>4.1 MAV Strategic Planning Session</li> <li>4.2 EMT Meeting</li> <li>4.3 Cummeragunja Walk off 80<sup>th</sup> Anniversary</li> <li>4.4 Visit Victoria Session</li> <li>4.5 Federal Government Funding Announcement Murray Darling Economic Development Program</li> </ol> </li> <li>5. Monthly Performance Reporting – Operational Reports</li> <li>6. Monthly Performance Reporting – Financial Report</li> <li>7. Financial Principles and Mid Year Budget Review</li> <li>8. Echuca Court Project Update</li> <li>9. Early Years – Children’s Services Update</li> <li>10. Community Engagement Update No. 3</li> <li>11. Recreation Reserves Discussion No. 7</li> <li>12. Hopwood Gardens Playground Discussion No. 2</li> <li>13. Active Transport Strategy Update No. 4</li> <li>14. General Business               <ol style="list-style-type: none"> <li>14.1 Councillor Committee Appointments</li> </ol> </li> </ol>		
<b>Attendees</b>			
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele (Deputy Mayor) Cr Daniel Mackrell, Cr Kristen Munro (9:33am – 10:48am), Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr Leigh Wilson, Cr John Zobec		
Staff	Jason Russell, Fleur Cousins, Keith Oberin (9:33am – 3:03pm), Paul McKenzie (9:54am – 3:03pm), Richard Conway, Sharolyn Taylor (9:30am – 1:00pm), Rebecca Burns (12:50pm – 3:03pm)		
<b>Apologies</b>	Nil		
<b>Conflict of Interest disclosures</b>	Nil		



<b>Meeting Information</b>			
Meeting Name/Type	Campaspe Briefing Session		
Meeting Date	19 February 2019		
Start time:	11:00am	Finish time:	3:46pm
Matters Discussed	<ol style="list-style-type: none"> <li>1. Welcome, present and apologies</li> <li>2. Declaration of Interests</li> <li>3. Future Meetings</li> <li>4. Council Meeting Agenda – Open Q &amp; A</li> <li>5. Audit &amp; Risk Committee Chair Report</li> <li>6. Council Meeting Agenda – Confidential Q &amp; A</li> <li>7. Recreation Reserves Discussion No. 8</li> <li>8. Echuca Torrumbarry Flood Study Update No. 2</li> <li>9. Echuca Riverfront Development Project Update No.1</li> <li>10. Federal Election Advocacy Strategy and Communication Plan</li> <li>11. Port Precinct Implementation Plan Unallocated Funding</li> <li>12. MAV Board and President Election Voting</li> <li>13. General Business               <ol style="list-style-type: none"> <li>13.1 Council planning report</li> <li>13.2 RRRR's</li> <li>13.3 PLN262 2018</li> <li>13.4 Briefing session layout</li> <li>13.5 Councillor Appointments to Committees</li> </ol> </li> </ol>		
<b>Attendees</b>			
Councillors	Adrian Weston (Mayor), Daniel Mackrell, Kristen Munro (11:00am – 11:20am) (12:10pm – 3:46pm), Vicki Neele, Neil Pankhurst, Leanne Pentreath, Annie Vickers, Leigh Wilson (11:00am – 3:27pm), John Zobec		
Staff	Jason Russell (11:04am – 3:46pm), Fleur Cousins (11:08am – 3:46pm), Keith Oberin, Richard Conway, Sharolyn Taylor		
<b>Apologies</b>	Nil		
<b>Conflict of Interest disclosures</b>	Nil		

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## 8. Issues and Risk Management

Nil.

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## 9. Strategic Planning Environments

Strong and Engaged Communities: No impact

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: No impact

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## 10. Consultation

Nil.

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## **8.2. Letters of Appreciation**

The following have been received:

- Avis Weller – thank you for the donation to send three children to the Portsea Camp. The children gained so much from the experience.
  - Bailey – “thank you for spending money on us. It is fun here. There is a big swing and other fun things”.
  - Unknown – “I’d just like to say thank you for sponsoring me and many more people. You have given many people the opportunity to enjoy camp”.
  - Aaron – “I’ve had and still having a great time. Thank you for your support and kindness, if it weren’t for you I would have missed out on this life changing opportunity”.

### **COUNCILLORS MUNRO / ZOBEC**

**That council note the letters of appreciation as listed.**

**CARRIED**

**Cr Munro declared a conflict in item 8.3 and left the Chamber at 6:23pm**

### **8.3 Responsive Grants Program**

**Author:**

Bobbi Aitken, Civic Events & Grants Officer

**Responsible Manager:**

Economic & Community Development General Manager

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#### **1. Purpose**

To note Responsive Grants Program applications received and approved in line with grant guidelines and criteria.

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#### **2. COUNCILLORS MACKRELL / PENTREATH**

**That Council note the following grant has been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:**

- **Community Leadership Program Loddon Murray Inc to assist with catering costs for the opening retreat for the Loddon Murray Community Leadership Program that was held in Echuca on 23 & 24 February 2019, \$750.**
- **Keeley Thompson (Michael Thompson) to assist with costs associated with selection to represent Victoria at the U15 girls National Hockey Championships to be held in Narellan from 8-14 April 2019, \$300.**
- **Echuca East Primary School to assist with costs associated to bring large ride attractions to the Autumn Twilight Fete to be held on 29 March 2019, \$1,000.**
- **Echuca Moama Girls Night Out (GNO) to assist with costs associated with hosting a fundraising event, to be held on 26 May 2019, for the GNO Supportive Care Fund, \$1,000.**
- **Crossenvale Community Group Inc to purchase a freezer and shelving unit to store Food Share items, frozen and dry, for the Crossenvale Community House Food Bank program, \$998.**
- **Lockington District Business Centre Inc to assist with costs for advertising and jumping castle for Family Wellbeing Day to be held on 24 March 2019, \$1,000.**
- **Echuca Neighbourhood House Inc to assist with the cost to hire an electronic screen to project a movie onto for a drive in movie night at Rotary Park, Echuca on 6 April 2019, \$500.**
- **Echuca Historical Society Inc to assist with costs of works to relocate PS Murrumbidgee which is expected to start on 6 May 2019 or earlier if feasible, \$1,000.**

**CARRIED**

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#### **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.

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#### 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 Requested	Amount Recommended	Purpose	Comment
Community Leadership Program Loddon Murray Inc	\$750	\$750	To assist with catering costs for the opening retreat for the Loddon Murray Community Leadership Program held in Echuca on 23 & 24 February.	Approved by CEO – meets assessment criteria
Echuca Moama Girls Night Out (GNO)	\$1,000	\$1,000	Sponsorship towards Girls Night Out – Lazy Sunday Afternoon event to raise funds for the GNO Supportive Care Fund to support cancer patients.	Approved by CEO – meets assessment criteria
Keeley Thompson (Michael Thompson)	\$300	\$300	To assist with costs associated with representing Victoria in Hockey at the U15 girls National Hockey Championships to be held in Narellan from 8 – 14 April.	Approved by CEO – meets assessment criteria
Echuca East Primary School	\$1,000	\$1,000	To assist with costs associated to bring large ride attractions (Laser Tag, Rock Climbing and SAFE Archery) to the Autumn Twilight Fete to be held on 29 March.	Approved by CEO – meets assessment criteria
Crossenvale Community Group Inc	\$998	\$998	To purchase a freezer and shelving unit to store Food Share items, frozen and dry, for community members to access when needed as part of the Crossenvale Community House Food Bank program.	Approved by CEO – meets assessment criteria
Lockington District Business Centre Inc	\$1,000	\$1,000	To assist with costs for advertising and jumping castle for Family Wellbeing Day to be held on 24 March 2019	Approved by CEO – meets assessment criteria
Echuca Neighbourhood House Inc	\$500	\$500	To assist with the cost to hire an electronic screen to project a movie onto for a drive in movie night at Rotary Park, Echuca on 6 April 2019	Approved by CEO – meets assessment criteria

Organisation	Amount Requested	Amount Recommended	Purpose	Comment
Echuca Historical Society Inc	\$1,000	\$1,000	To assist with costs of works to relocate PS Murrumbidgee which is expected to start on 6 May 2019 or earlier if feasible	Approved by CEO – meets assessment criteria

<b>Fund Balance Prior to application approval:</b>	\$36,410
<b>Funding approved:</b>	\$6,548
<b>Fund Balance: (19 March 2019)</b>	\$29,862

## 7. Issues and Risk Management

### Issues:

Nil

### Risk:

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

## 8. Strategic Planning Environments

Strong and Engaged Communities:	This funding source provides support to Responsive Grants Program requests for community initiatives.
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	No impact
Responsible Management:	This annual budget allocates funding for Responsive Grants Program requests for community initiatives.

## 9. Consultation

Nil

## 9. Councillor Reports

### Cr Munro re-entered the Chamber at 6:26pm

Cr Adrian Weston	
24 February 2019	LEAD Loddon Murray - Loddon Murray Community Leadership Opening Weekend 2019
25 February 2019	Kow (Ghow) Swamp LOWMP Meeting
6-7 March 2019	MRGC Meetings
11 March 2019	Rushworth Community Meeting
13 March 2019	Rich River Lacemakers Workshop
14 March 2019	Meeting with Andrew Bock (independent candidate for Nicholls)
17 March 2019	Australian Disability Caravan & Camping Group 2019 National Get Together
18 March 2019	Rural Aid Breakfast
19 March 2019	Citizenship Ceremony

Cr Daniel Mackrell	
25 February 2019	Echuca Moama Sportstar 2018 Gala Awards Evening
10 March 2019	Echuca Cup Day Presidents Function
11 March 2019	Rushworth Community Meeting
19 March 2019	Citizenship Ceremony

Cr Kristen Munro	
1 March 2019	Exhibition Opening - After the Ball is Over Debs & Belles
4 March 2019	CCLLEN Board Meeting
8 March 2019	Planning Consultation Meeting - Pln024/2019 (191 Hare Street Echuca)
10 March 2019	Echuca Cup Day Presidents Function
13 March 2019	Rich River Lacemakers Workshop

Cr Vicki Neele	
20 February 2019	Echuca Moama Tourism Board Meeting
22 February 2019	Business Clean Up Day
28 February 2019	Rochester Lawn Tennis Club Hard Court & Lighting Project Official Opening
1 March 2019	Kyabram Drainage Committee Meeting
1 March 2019	Exhibition Opening - After the Ball is Over Debs & Belles
6 March 2019	Kyvalley Progress Association AGM
8 March 2019	International Women's Day Balance for Better
8 March 2019	Kyabram Rodeo
13 March 2019	Rich River Lacemakers Workshop
16 & 17 March 2019	Kyabram Engine & Machinery Restorers Annual Rally & White Truck Muster
18 March 2019	Rural Aid Bands and Dinner

Cr Neil Pankhurst	
22 February 2019	Business Clean Up Day
23 February 2019	Tongala RSL Presidents Dinner
25 February 2019	VCE Geography Kyabram P12 College - Planning Talk
4 March 2019	EMFM Radio
6 March 2019	Kyvalley Progress Association AGM
8 March 2019	Kyabram Rodeo
11 March 2019	Rushworth Community Meeting
13 March 2019	Echuca Moama Torrumbarry Flood Study - Project Reference Committee Meeting
19 March 2019	Citizenship Ceremony

Cr Leanne Pentreath	
22 February 2019	Business Clean Up Day
28 February 2019	Rochester Lawn Tennis Club Hard Court & Lighting Project Official Opening
15 March 2019	Bamawm Extension Fire Brigade Annual Dinner
17 March 2019	Australian Disability Caravan & Camping Group 2019 National Get Together
19 March 2019	Citizenship Ceremony

Cr Annie Vickers	
22 February 2019	Mr Archie Walker Funeral
28 February 2019	Rochester Lawn Tennis Club Hard Court & Lighting Project Official Opening
1 March 2019	Exhibition Opening - After the Ball is Over Debs & Belles
8 March 2019	Planning Consultation Meeting - Pln024/2019 (191 Hare Street Echuca)
10 March 2019	Echuca Cup Day Presidents Function
13 March 2019	Echuca Moama Torrumbarry Flood Study - Project Reference Committee Meeting
14 March 2019	VLGA Leading the Agenda Session - Treaty
15 March 2019	Echuca Moama Beacon Foundation 2019 Business Breakfast

Cr Leigh Wilson	
20 February 2019	GBGA Ordinary Meeting
21 February 2019	Planning Consultation Session - PLN 343/2018 (Cohen Street Rochester)
22 February 2019	Business Clean Up Day
7 March 2019	Rochester Mens Shed Meeting
13 March 2019	Rochester Secondary College New Building Opening
19 March 2019	Citizenship Ceremony

Cr John Zobec	
1 March 2019	Kyabram Drainage Committee Meeting
16 & 17 March 2019	Kyabram Engine & Machinery Restorers Annual Rally & White Truck Muster
19 March 2019	Citizenship Ceremony

## **COUNCILLORS MUNRO /ZOBEC**

**That the Councillor reports be noted.**

**CARRIED**

## 10. Chief Executive Officer's Report

Activities and meetings attended since previous Council meeting:

- Meeting with Taungurung Clans Aboriginal Corporation CEO
- Vietnam Veterans State Council Meeting
- Business Clean Up Day
- CLRS 13<sup>th</sup> Annual Fundraising Dinner
- GMW Connections Project Steering Committee
- Meeting with Echuca Moama Alliance
- Murray River Group of Councils Meeting
- Rural Council's Victoria strategic planning workshop
- Rural Council's Victoria Steering Committee meeting
- Citizenship Ceremony

### **COUNCILLORS WILSON / PANKHURST**

**That the Chief Executive Officer's report be noted.**

**CARRIED**

## 11. Petitions/Letters

Nil



## 12. Notices of Motion

### 12.1. Local Law No.1 Meeting Procedure Review

Councillor Neil Pankhurst

**The Council undertake a review of Local Law No.1 Meeting Procedures and consider any proposed changes at or before its June 2019 meeting.**

#### NOTICE OF MOTION

I will be moving the following Notice of Motion on the 19th March 2019 Council Meeting.

“That council undertake a review of Local Law No1 Meeting Procedures and consider any proposed changes at or before its June 2019 meeting.”



Cr Neil Pankhurst

4 March 2019

#### **COUNCILLORS PANKHURST / MACKRELL**

**That Council undertake a review of Local Law No.1 Meeting Procedures and consider any proposed changes at or before its September 2019 meeting.**

**CARRIED**

## 13. Urgent Business

Cr Mackrell submitted an item for Council to consider as urgent business.

### COUNCILLORS MACKRELL / PENTREATH

That Council consider an item of urgent business.

CARRIED

### 13.1. CEO Employment and Contract Process

Councillor Mackrell

I am submitting an item of business for the Council meeting on the 19 of March.

1. That an Advisory Committee called CEO Employment and Contract Committee (CEO CC) be established with four (4) Campaspe Shire Councillors; Mayor, Deputy Mayor and two Councillors.

Composition of Advisory Committee (CEO CC): Mayor – Councillor Adrian Weston (chairperson), Deputy Mayor – Councillor Vicki Neele, Councillor Neil Pankhurst and Councillor Leigh Wilson.

- i. The Advisory Committee will abide by Local Law No. 1 Meeting Procedures with no modifications
2. That the Advisory Committee oversee the CEO Employment and Contract process.
  3. That the Advisory Committee's duties include and are limited to
    - a. Setting timelines and tasks for the CEO Employment process – timeline to be completed by the 5 April 2019
    - b. Recommend a facilitator to assist with
      - i. recommending suitable Employment Agency to undertake the recruitment process of the Chief Executive Officer for the Campaspe Shire.
      - ii. reviewing CEO job requirements, including key knowledge, key skills and personal attributes needed for the position and review councillors current thoughts and the current CEO Contract and recommend changes if needed
      - iii. 3.b. i, ii, iii to be completed by the 9 of April 2019
    - c. Liaising with appropriate staff/resources/legal/facilitator's to undertake
      - i. to amend the CEO Contract and bring back to a confidential briefing on the 16 April 2019 for review
  4. The Advisory committee will consult with the Employment Agency in
    - i. developing a rating method to score all applicants
    - ii. selecting a psychometric tool and how the results are to be utilised for short listed applicants
    - iii. with developing a set of interview questions for the interview/interview panel.

5. **The Advisory Committees chairperson submit a report on the progress in writing, at every council briefing until a CEO has commenced.**
6. **Once the CEO has commenced the Advisory Committee (CEO CC) will be disbanded.**



Daniel Mackrell

Echuca Ward Councillor

Dated: 16 March 2019

**Rational:**

I am surprised that this or a similar item is not on the March the 19 council meeting agenda.

I believe that we as councillors cannot safely or conveniently defer this to the next council meeting due to the CEO contract finishing in May 2019 and as we are running the process it needs to be done systematically and with a good governance process.

A CEO's role in local government is pivotal and a requirement, and to delay and not have this as a centre of attention would not be advantageous, we need processes and time lines that assist in overseeing the CEO and Contract process.

**COUNCILLORS MACKRELL / PANKHURST**

1. **That an Advisory Committee called CEO Employment and Contract Committee (CEO CC) be established with four (4) Campaspe Shire Councillors; Mayor, Deputy Mayor and two Councillors.**

**Composition of Advisory Committee (CEO CC): Mayor – Councillor Adrian Weston (chairperson), Deputy Mayor – Councillor Vicki Neele, Councillor Neil Pankhurst and Councillor Leigh Wilson.**

- i. **The Advisory Committee will abide by Local Law No. 1 Meeting Procedures with no modifications.**
2. **That the Advisory Committee oversee the CEO Employment and Contract process.**
  3. **That the Advisory Committee's duties include and are limited to:**
    - a. **Setting timelines and tasks for the CEO Employment process – timeline to be completed by the 5 April 2019.**
    - b. **Recommend a facilitator to assist with:**
      - i. **recommending suitable Employment Agency to undertake the recruitment process of the Chief Executive Officer for the Campaspe Shire.**
      - ii. **reviewing CEO job requirements, including key knowledge, key skills and personal attributes needed for the position and review Councillors current thoughts and the current CEO Contract and recommend changes if needed.**
      - iii. **3.b. i, ii, iii to be completed by the 9 of April 2019.**

- c. **Liaising with appropriate staff/resources/legal/facilitators to undertake:**
  - i. **to amend the CEO Contract and bring back to a confidential briefing on the 16 April 2019 for review.**
4. **The Advisory committee will consult with the Employment Agency in:**
  - i. **developing a rating method to score all applicants.**
  - ii. **selecting a psychometric tool and how the results are to be utilised for short listed applicants.**
  - iii. **with developing a set of interview questions for the interview/interview panel.**
5. **The Advisory Committees chairperson submit a report on the progress in writing, at every Council briefing until a CEO has commenced.**
6. **Once the CEO has commenced the Advisory Committee (CEO CC) will be disbanded.**

**Cr Pentreath moved an amendment to the motion**

**The inclusion of an additional point:**

7. **That Council note the following:**
  - **There is no confidence to provide adequate governance in the CEO employment by the Mayor.**

**The Mayor sought clarification on the proposed amendment from the Governance Manager**

**The Mayor stated:**

**Before I consider whether or not I'll call for a seconder, when we had a conversation earlier this evening around what might be considered a nexus between what was moved as a motion and then what was ultimately proposed as a motion, we struggled to see a nexus between the two, or at least I struggled to see that, and ruled not to accept that motion. Now we can proceed on the basis that I can call for a seconder or we can consider this, or I can consider this, as to whether or not it should be accepted based on, are we moving into a space that might be potentially derogatory toward the Mayor.**

**The Mayor sought further clarification on the proposed amendment from the Governance Manager**

**Cr Munro vacated the Chamber at 7:05pm**

**The Mayor declined the proposed amendment on the grounds that the proposed amendment could be considered defamatory.**

**Cr Munro re-entered the Chamber at 7:05pm**

**The Mayor called a recess at 7:12pm to enable Cr Mackrell to seek clarification on the motion from the Governance Manager but no motion was called or passed.**

**The meeting resumed at 7:15pm**

**The MOTION was PUT to the vote and was CARRIED**

**A DIVISION was called**

**Those in favour of the motion: Councillors Pentreath, Munro, Mackrell, Pankhurst Wilson**

**Those against the motion: Councillors Zobec, Neele, Weston, Vickers**

## 14. Question Time

Council heard items of Question Time on the following:

Text of Question	Summation of answer given
<p>Mr Mayor and Councillors, you recently announced that you were not renewing the contract of the CEO at the same time that the Local Government Inspectorate announced that they were about to commence an investigation into a number of Councillors.</p> <p>Can you:</p> <ol style="list-style-type: none"> <li>Re-assure citizens that the decision will not be overturned or invalidated by any decision of the Inspectorate</li> <li>Advise what the costs of engaging a new CEO shall be and from where in the budget these funds will come.</li> <li>Indicate the processes and procedures that you will follow to ensure that the best result for the Shire is ensured.</li> </ol>	<p>Council is progressing finalising the recruitment process and procedures which will determine the costs associated. Unable to provide further detail at this time.</p>
<p>As a result of not being allowed to speak to item 7.7 Port Property Review of the ordinary council meeting tonight, 19 March 2019.</p> <p>Because of being outside of the request to speak time frame for Ordinary Council meeting by a matter of hours. Approximately 10:15am this morning request made.</p> <p>All this after waiting for almost two years for this item to come before council.</p> <p>The Council agenda I believe was only available to the public for two working days before my request.</p> <p>And a further request to the Mayor has not been responded to.</p> <p>I ask the following questions.</p> <p>Q.1 Because briefings of this matter have been conducted in confidentiality, I request that all briefings and meetings in relation to this agenda item be made open so as Councillors who attended may be identified and scrutinised and if need be reported to the Inspectorate of Local Government Victoria, if conflicts or bias exists. This is very significant as many Councillors made many statements in relation to open and transparency practices of the Campaspe Shire Council previous to the most recent Council election.</p> <p>Q2. After reviewing the old Commercial Leasing Policy and the new Commercial Leasing Policy 110, considering the two year delay and the cost to the ratepayer. Can someone please explain to me what has even changed; I would suggest very little if anything except a couple of legal updates.</p>	<p>Q 1. Response: That is a decision for Council at a future Council meeting.</p> <p>Q 2. Response: The details of the changes are outlined in the report 7.7 in the agenda which includes.</p> <ul style="list-style-type: none"> <li>▪ Provides greater clarity around seeking EOI for any lease greater than 12 months</li> <li>▪ Reaffirms the criteria to be used in evaluating EOIs, and for properties within the Port Property Precinct aligns the criteria to the adopted vision and strategic objectives outlined within the Port Precinct Plan.</li> <li>▪ Introduction of selection panel process to evaluate EOIs.</li> <li>▪ Update to legislation references.</li> </ul>

## 15. Closed Session of the Meeting to the Public

### COUNCILLORS MUNRO / MACKRELL

That pursuant to the provisions of the Local Government Act 1989, the meeting will now be closed to members of the public at 7:28pm to enable the meeting to discuss matters in items 16, 17, 18 and 19 which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

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

CARRIED

## 16. Confirmation of Confidential Minutes and Attachments

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

## 17. Confidential Council Information

Nil

## 18. Confidential Business

Nil

## 19. Confidential Council Meeting Close

**COUNCILLORS MACKRELL / MUNRO**

That all matters discussed and information provided during the course of the confidential section of this meeting are to remain confidential save for matters agreed by resolution of Council determined to be no longer confidential.

**CARRIED**

## 20. Items Determined to be no Longer Confidential

Nil

## 21. Open Meeting to the Public

**COUNCILLORS MUNRO / WILSON**

That Council resolves to open the meeting to the public at 7:30pm

**CARRIED**

## 22. Meeting Close

There being no further business, the meeting concluded at 7:30pm.



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**CR ADRIAN WESTON**

**MAYOR**