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Agenda



For a meeting of the seventh Campaspe Shire Council to be held on Tuesday, 17 September 2019, commencing at 5:00pm at the Council Chambers, Echuca Civic Centre.

Opening Prayer

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

Amen

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and merging leaders as the Traditional Owners of this Country,

We acknowledge their living culture and their unique role in the life of this region.

Meeting Procedures

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

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

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

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

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

Business

1. Apologies and Requests for Leave of Absences

Apologies

Requests for Leave of Absences

Cr Vicki Neele has an approved leave of absence from 15 September to 12 October 2019.

2. Confirmation of Minutes and Attachments

For the:

- Open section of the Council Meeting held on 20 August 2019
- The minutes of the Campaspe Briefing Session held on 6 August 2019
- The minutes of the Campaspe Briefing Session held on 13 August 2019
- The minutes of the Campaspe Briefing Session held on 20 August 2019

Recommendation

That the following minutes be confirmed:

- **Open section of the Council Meeting held on 20 August 2019**
- **The minutes of the Campaspe Briefing Session held on 6 August 2019**
- **The minutes of the Campaspe Briefing Session held on 13 August 2019**
- **The minutes of the Campaspe Briefing Session held on 20 August 2019**

3. Changes to the Order of Business

Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council. This includes the request for an item to be brought forward.

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.

5. Responsible Authority Decisions

5.1. Council Planning Report – 8188 Murray Valley Highway Koyuga Vic 3622, PLN141/2019

Allocated Officer:	Emily Hardy, Planner
Responsible Manager:	Planning and Building Manager
Application No:	PLN141/2019
Date Received:	3 June 2019
Applicant:	Chris Smith and Associates Pty Ltd
Proposal:	Use and development of the land for a Renewable Energy Facility (Micro Solar Farm) in the Farming Zone Schedule 1, Environmental Significance Overlay Schedule 1, Land Subject to Inundation Overlay and for access to the Road Zone Category 1 pursuant to Clause 52.29.
Subject Site:	8188 Murray Valley Highway Koyuga Vic 3622
Zoning:	Farming Zone Schedule 1
Overlays:	Environmental Significance Overlay and Land Subject to Inundation Overlay
Under What Clause(s) is a Permit Required?:	Clause 35.07-1, 35.07-4, 42.01-2, 44.04-2 and 52.29-2.
Restrictive Covenants on the Title?:	Yes (Section 173 Agreement AF422682B)
Current Use and Development:	Dwelling, agricultural, store and wash bay
Is a Cultural Heritage Management Plan Required:	No
Objections:	Yes – Five (5) objections received

1. Summary Recommendation

It is recommended that Council as the Responsible Authority issue a Refusal to Grant a Permit.

2. Conflict of Interest

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

3. Charter of Human Rights

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

4. Instrument of Delegation

This report has considered the Instrument of Delegation (S6) by Council. This report is required as the delegation does not allow officers to determine to refuse a planning application where it is a major development which has an impact on the community.

5. Proposal

It is proposed to use and develop the land for a micro renewable energy facility and alteration of access to a Category 1 Road Zone.

The facility is to be connected to the national electricity grid via existing 22kV powerlines that are owned and operated by Powercor that leads to Echuca. The use is expected to be carried out for approximately 30 years. The proposal will remove approximately 8.2ha of agricultural land from a total area of 54.31ha (allotment).

The proposal seeks approval for a total 380 watt (DC) energy panels, including the installation of thirty-seven (37) full arrays and four (4) half arrays. The panels will be setback 15m from the southern boundary fronting onto the Murray Valley Highway and will have a height of 950mm.

The development comprises:

- One (1) pre-fabricated MV power station for batteries. Each container being 12.5m long, 2.4m wide and 2.9m high. Battery storage containers will be constructed from steel and will be situated on concrete supports and will have an overall area of 0.48ha. The structures will be setback less than 100m onto the Murray Valley Highway.
- Installation of forty (40) elevated string inverters mounted back-to-back with one of the MV. Installed into concrete footings at a depth of no greater than 500 mm. The string inverters would be powder-coated with a maximum height of 2m.
- The batteries connect to the grid through transformer kiosks in a switching station. The purpose is to convert generated power from the solar arrays to 22kV before the power is transferred. The applicant has not included the details of the power conversion units or substations as part of the application.
- Access to/from the site will be via Murray Valley Highway and the existing access to the site from Murray Valley Highway will be utilised located in the south-east corner of the land.
- Screening through landscaping will be erected on Murray Valley Highway to the south as well as the western boundary and part of the eastern boundary of the compound perimeter with indigenous trees. There is also proposed screening around the renewable energy facility perimeter and will consist of chain mesh fencing with a height of 2m.
- Approximately 40m overhead power line internal to the facility to connect to existing Powercor transformer within the Murray Valley Highway. The proposed overhead power line will consist of two (2) poles at a height of approximately 12m.

Traffic movement to/from the site during the construction period estimated at three (3) months are proposed to be two (2) trucks per day at peak times in addition to eleven (11) light vehicles. The number of workers has not been specified within the applicant's report.

After the construction phase, the applicant advised that the solar farm will have remote monitoring in real-time without the requirement for ongoing staffing. An area of 40m by 10m has been allocated for car parking during and post construction and will be located to the west of the facility compound.

The following reports were submitted as part of the application:

- An Agricultural Assessment from Cadeema dated 20 May 2019.
- A Traffic Impact Assessment Report prepared by Traffic Works dated 24 May 2019.
- An Environmental Management Plan to address soil erosion, waste/water management, hazardous substances, noise, air quality, native vegetation and bushfire management.

The proposal has been considered as being 'micro' due to the facility generating a sub-5 megawatt of solar energy and having an area of less than 12ha, connected to a 22kv transmission line. This is compared to larger facilities proposed that are 30 megawatts in solar energy connecting to 66kv transmission powerlines and being located on an area of more than 30ha.

6. Subject Site and Locality

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

The site is formally referred to as PC 370768F is irregular in shape with a total area of 54.31ha. The lot has frontage to Murray Valley Highway to the south and Tehan Road, a Council road, to the west. The site contains a single storey dwelling setback approximately 100m from Murray Valley Highway. An agricultural shed, outbuildings and a dam are also located within the vicinity of the existing dwelling on the site.

The property has some mature native trees within the property, located west of the dwelling. The allotment is also encumbered by a channel and water supply/ drainage easement in favour of Goulburn Murray Water located to the south western corner of the property.

The surrounding context is as follows:

- To the north is a property with frontage onto Tehan Road. The land is located with the Farming Zone Schedule 1 with the Bushfire Management Overlay slightly along the eastern boundary. There is a dwelling with associated outbuildings located approximately 580m from the subject site, with the land mostly appearing to be used for agriculture.
- To the east of the site is a property with a total area of 40ha within the Farming Zone Schedule 1. The property is associated with Alabar Farms, which is also located further east with an additional area of 93ha and to the south of the Murray Valley Highway.
- To the south is the Murray Valley Highway a Road Zone Category 1. Beyond is Farming Zone Schedule 1 land and appears to be used primarily for agricultural purposes with areas between 10ha to 82ha. There is a dwelling located to the south approximately 130m from the subject site.
- To the west of the site is Tehan Road with multiple dwellings located within close proximity to the proposed solar farm. The closest dwelling on this side is located close to the boundary of the subject land and is setback approximately 334m from the subject site.

There are multiple dwellings within a 1km radius of the subject site.

7. Permit/Site History

The history of the site includes:

- TPA287/2012: Whole farm plan (approved).
- TPA349/2012: Use of the land for a store (to store five trucks) and associated truck wash bay in the Farming Zone and access to a Road Zone Category 1 (approved).
- TPA349/2012-A: Amendment to the planning permit: The current permit allows: Use of the land for a store (to store five trucks) and associated truck wash bay in the Farming Zone and access to a Road Zone Category 1 (approved).

8. Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing two (2) signs on site.

The notification has been carried out correctly and five (5) objections were received. The objections can be summarised as follows:

- Electrical load problems that affects transformer ability
- That the land is 100 percent irrigatable and the connection of the subject land to the main channel supply
- Visual amenity
- The chosen location of the renewable energy facility and proximity to the Murray Valley Highway
- Use and removal of productive land from agriculture
- Inappropriate setback from dwellings and proximity to town
- The appropriateness of the use and development of the land
- Heat Island Impacts and its effect on animal welfare

These issues have been taken into account in the assessment of the planning application.

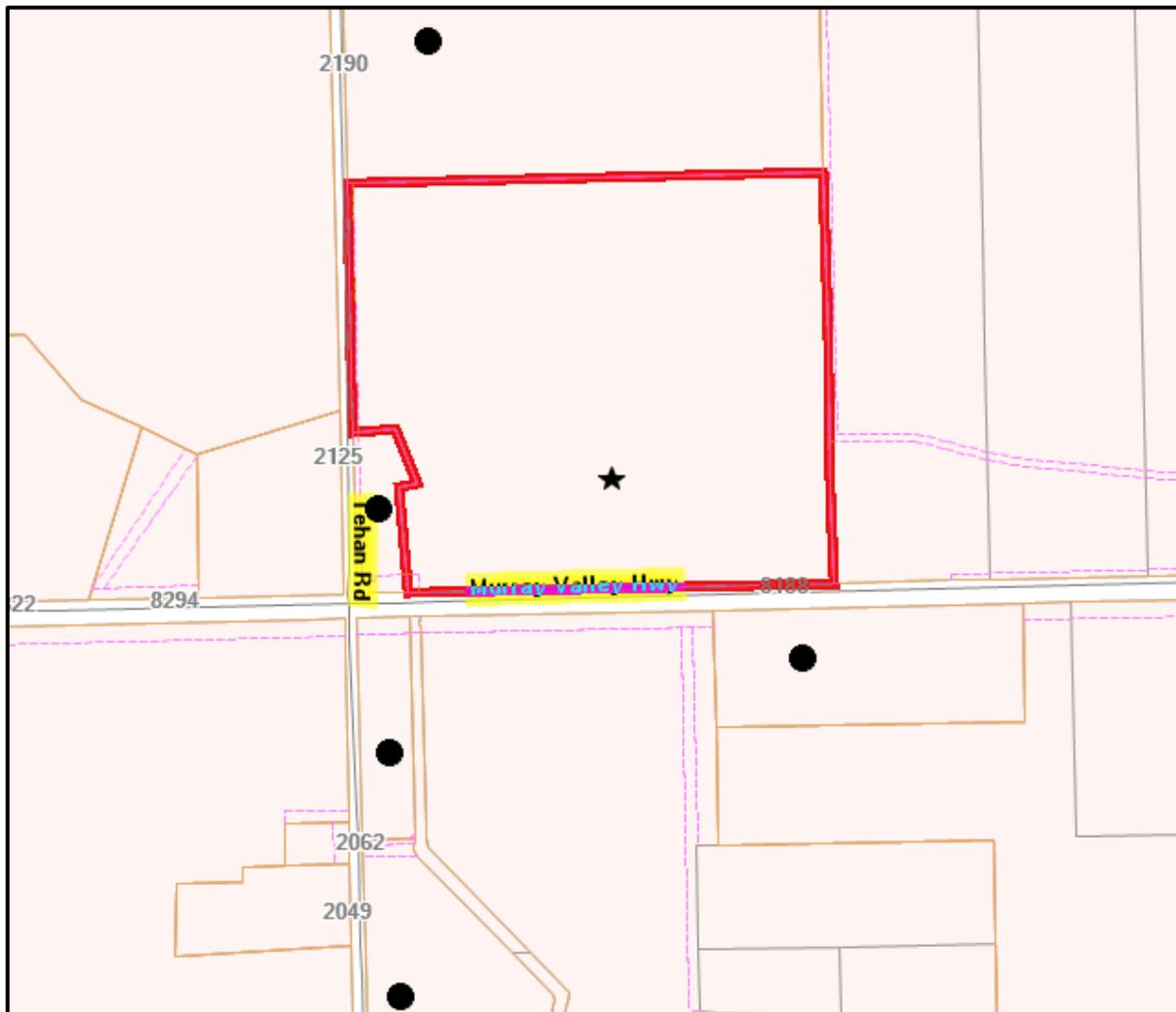


Figure 1: Subject site and surrounds

Legend	
Subject Site	★
Objection	●

9. Consultation

A consultation meeting was undertaken on 6 August 2019 at the Echuca Library. A number of objectors attended, and the application and concerns were discussed. Although the concerns were discussed in detail there was no resolution at the meeting.

10. Referrals

The application has been referred to six (6) external authorities and one (1) internal Council Department. The following table makes note of the type of information requested; whether consent was given and whether

conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

Referral Authority	Type of Referral	Consent/ Approve Proposal	Request Permit Conditions	Any other advice notes
Goulburn-Murray Water (G-MW)	Section 52	Yes	Yes	Yes
VicRoads	Section 55	Yes	Yes	No
Department of Environment, Land, Water and Planning	Section 52	No Response	N/A	N/A
CFA	Section 52	Yes	Yes	Yes
Powercor	Section 52	Yes	Yes	Yes
Goulburn Broken Catchment Management Authority	Section 55	Yes	Yes	Yes
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Design and Road Services	Comments	Yes	Yes	No

11. Assessment

Planning Policy Framework (PPF)

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

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

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

Clause 13.02 Bushfire – To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.03-1S Floodplain Management – Planning should assist the protection of life, property and community infrastructure from flood hazard and ensure the natural flood carrying capacity of rivers, streams and floodways.

Clause 13.05 Noise – Planning should assist the control of noise effects on sensitive land uses.

Clause 14.01 Agriculture

Clause 14.01-1S Protection of Agricultural Land - To protect the state's agricultural base by preserving productive farmland.

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

15.02-1S Energy and Resource Efficiency - To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 17 Economic Development - Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential

Clause 19.01-2S Renewable energy - To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Clause 19.01-2R Renewable Energy – Loddon Mallee North - Support and facilitate renewable energy generation and protect these activities from urban encroachment.

Local Planning Policy Framework (LPPF)

Clause 21.01 Campaspe Shire Key Issues and Strategic Vision tells us the estimated 2013 population of the shire was approximately 37,000, which is expected to grow to approximately 39,600 by 2031 (VIF 2015) and to 43,000 by 2036 (Campaspe Profile). Compared to other areas of regional Victoria, the shire has a higher population of younger (school age) people and older people. This trend is expected to grow, which may leave a 'population donut', with less working age residents in the municipality.

Agriculture (particularly irrigated primary production) and its processing underpin the economy of the shire and region. Approximately 40 per cent of employment in the shire is in manufacturing, agriculture (including fishing and forestry) and health care.

Clause 21.05 Natural Resource Management

This clause provides local content to support Clause 14 (Natural Resource Management) of the State Planning Policy Framework.

Agriculture

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

Growth and Consolidation areas, being an areas for growth and expansion of existing farm businesses and for new investment. The minimum subdivision size in these areas has been set at 60 hectares, and a dwelling needs a planning permit on all land less than 80 hectares in area.

Objectives

- To ensure that agriculture is and remains the major economic driver in the region
- To identify a preferred area for intensive agricultural activities

- To ensure that use and development does not pose a threat to the sustainable productive capacity of the shire's agriculture economic base.

Clause 22.04 Non-agricultural Uses in Farming Zone

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

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

Objectives

- To identify a preferred mix of land uses in rural areas.
- To promote appropriate land use and development within rural areas.
- To discourage non-agricultural use and development in all rural areas, other than those that support agriculture.

Zoning

Clause 35.07 Farming Zone

Ensures that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture and encourage use and development of land based on comprehensive and sustainable land management practices.

A permit is required for the use of the land pursuant to Clause 35.07-1 (Table of Uses) for a renewable energy facility. This is a defined Section 2 Use with the condition that the proposal must meet the requirements of Clause 53.13. Clause 35.07-4 requires a permit to construct or carry out works associated with a use in Section 2 of Clause 35.07-1.

Overlays

Clause 42.01 Environmental Significance Overlay

Identifies areas where the development of the land may be affected by environmental constraints and to ensure that development is compatible with identified environmental values.

The site is affected by Schedule 1 Murray River Environs.

The development is partially located within the Environmental Significance Overlay and a permit is required pursuant to Clause 42.01-2.

Clause 44.04 Land Subject to Inundation Overlay

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood, ensure development does not impact storage or passage of flood waters, protect water quality and ensure river and wetland health, waterway protection and flood plain health.

The development is partially located within the Land Subject to Inundation Overlay and does require a planning permit pursuant to Clause 44.04-2.

Relevant Particular Provisions

Clause 52.06 Car Parking Aims to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality and ensure that the car parking is of a high standard and does not adversely affect the amenity of the locality.

A Renewable Energy Facility is not listed as a defined use under Clause 52.06-5. As such car parking is to be provided to the satisfaction of the responsible Authority pursuant to Clause 52.06-5A. The application proposes four (4) defined car spaces.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone Category 1.

Clause 53.13 Renewable Energy Facility Facilitates the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

This provision has no direct triggers however it provides specific application requirements and decision guidelines for any application for a Renewable Energy Facility.

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on the natural environment and natural systems.
- Whether the proposal will require traffic management measures.

General Provisions

Clause 65 Decision Guidelines Sets out decision guidelines for the responsible authority to consider in ensuring acceptable outcomes in terms of Planning Policy Framework.

Clause 71.02-1 Purpose of the Planning Policy Framework is to provide a context for spatial planning and decision making by planning and responsible authorities, seeking to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 71.02 Operation of the Planning Policy Framework requires the Responsible Authority to balance conflicting objectives by considering relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. In the case of this application, the key conflicts arise from whether the proposed use and development of the land for a renewable energy facility is appropriate for the subject site, which is productive, irrigated agricultural land in close proximity to the township of Stanhope.

Clause 73.01 General Terms

High quality productive agricultural land

Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and: High quality productive agricultural land

- a) is of prime, or very good, agricultural quality, having regard to soil type, growing season, and availability of infrastructure, and is of sufficient extent to support agricultural activities on an economically viable scale; or
- b) has been identified through a regional, sub-regional, or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context.

Clause 73.03 Land Use Terms

Definition Renewable Energy Facility

Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth's heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.

This definition is considered appropriate as the proposed use will supply energy that is not for any existing use on the subject site.

Relevant incorporated or reference documents

- Council Plan 2013-2017

Relevant Planning Scheme amendments

VC157 (gazetted 15 March 2019) - introduces changes to the Victoria Planning Provisions (VPP) and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network. The changes amend the following;

- Amending Clause 62.02 (Buildings and works) to insert an exemption for power lines and electrical sub-stations associated with an 'Energy generation facility' or 'Geothermal energy extraction' if a permit was issued prior to the gazettal date of Amendment VC157.
- Amending Clause 73.03 (Land use terms) to amend the definition for 'Minor utility installation' to exclude power lines or sub-stations directly associated with an 'Energy generation facility' or 'Geothermal energy extraction'.
- Amending Clause 73.03 (Land use terms) to introduce a new land use term 'Energy generation facility'.

Amendment VC157 is required to ensure that these facilities are subject to the requirements of the relevant planning scheme, by introducing a planning permit requirement for power lines and electrical sub-stations directly associated with 'Energy generation facility' and 'Geothermal energy extraction' land uses. This will ensure that any potential amenity impacts of the power lines and electrical sub-stations are able to be appropriately considered.

Other Documents

- Solar Energy Facilities – Design and Development Guidelines (DELWP) July 2019. The guidelines have not yet been incorporated within the planning scheme and has no effect until this occurs. The guideline provides best practice advice for applications of this nature and have been used as part of the assessment of the application.

It is noted that the guidelines if/when they come into effect will result in applications that are 1 megawatt or more being lodged with the Minister of Planning to be assessed. However, as this has not occurred the applications are required to be assessed in accordance with the current planning scheme.

Relevant Planning Scheme amendments

N/A

12. Summary of Key Issues

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objectors.

Clause 71.02 Operation of the Planning Policy Framework requires the Responsible Authority to balance conflicting objectives by considering relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The proposal has been considered as being 'micro' due to the facility generating a sub-5 megawatt of solar energy and having an area of less than 12ha, connected to a 22kv transmission line. This is compared to larger facilities proposed that are 30 megawatts in solar energy connecting to 66kv transmission powerlines and being located on an area of more than 30ha.

In the case of this application, one of the key conflicts arise from whether the proposed use and development of the land for a renewable energy facility is appropriate for the subject site, which is productive, irrigated agricultural land in close proximity to dwellings. Although the scheme includes a state-wide particular provision Clause 53.13 Renewable Energy Facility, specific guidelines regarding appropriate locations are not outlined compared to other particular provisions in the Campaspe Planning Scheme.

Whilst the Planning Policy Framework emphasises in Clause 15.02-1S the importance of renewable energy, it is recognised that a significant transition to renewable energy is already underway in Victoria. Renewable energy is already one of the cheapest and cleanest new sources of energy supply. Increasing electricity generation capacity will help to reduce power prices and meet the Victorian renewable energy targets of 25 per cent by 2020 and 40 per cent by 2025. However, it is also recognised that irrigated primary production and the processing of that agricultural product underpin the economy of the municipality and the region.

The assessment of the application has considered the Solar Energy Facilities Design and Development Guidelines (DELWP) recently released in July 2019. The Goulburn Murray Irrigation District has been listed in the Guidelines (2019), noting "*the Victorian Government has invested over \$2 billion in modernising Victoria's irrigation districts*". These guidelines have superseded the previous Draft Solar Energy Facilities Design and Development Guidelines by DELWP, however they are yet incorporated within the scheme and currently with the Minister and has no force or effect until gazetted in the scheme.

The guidelines state The Victorian Government's objective is to accelerate the development of well-sited and well-designed renewable energy generation facilities in Victoria. The guidelines emphasise the importance of appropriate site selection within irrigation districts. Factors such as site selection, detailed development assessment, community engagement and stakeholder consultation, design, construction, operation and decommissioning all need to be determined.

Site Selection

When reviewing facilities of this nature it is acknowledged that they require, considerable land mass, are generally discouraged within township boundaries and should not be located close to sensitive interfaces. It is understood that given the land size required, any renewal energy facility is likely to be located within land which is zoned Farming. This is also more likely given that these facilities generally need to locate along or within proximity (2km) to the major transmitting lines (22kV). The use of the land for a Renewable Energy Facility is a Section 2 use requiring a permit, which means consideration must be given to both appropriateness of the site selected and the design of the infrastructure.

Clause 14.01-1S aims to "ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use". Clause 14.01-2S aims to "encourage sustainable agricultural land use." Local policies provide direction for economic, social and physical

development of the Shire. Clause 21.05-1 recognises that “agricultural investment is jeopardised, deterred, or lost by land use and development that has the potential to compromise the scale and location of such investment”.

In relation to site selection it is noted that Clause 17.01-1R strategy is to “*support production and processing that adds value to local agricultural and other primary products*”. The proximity of the site to a number of dwellings, and proximity to productive agricultural investment within the area means that the proposal has the potential to impact the surrounding productive agricultural activities by removing the productive land from agriculture and also result in sensitive interfaces issues due to the surrounding dwellings.

Clause 19.01-2S Provision of renewable energy objective guides us “to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met” with a strategy to “facilitate renewable energy developments in appropriate locations”. Attempts have been made to minimise the impact of the use on the surrounding area, however, based on the agricultural value of the land; scale and setback to the Murray Valley Highway; and the proximity to surrounding dwellings; the site selection is considered inappropriate.

The incorporated Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05-1 identifies the site as being within a ‘growth and consolidation’ area identified as “*being areas for growth and expansion of existing farm businesses and for new investment*”. Objections have been raised in relation to the loss of productive agricultural land. The solar farm will occupy 8.2 ha of land which will contain solar panels, batteries and inverters and areas associated with car parking and access tracks around the facility removing productive agricultural land.

The site is located in the Central Goulburn Irrigation Area. The subject land was previously approved for a whole farm plan (TPA287/2012), with the agricultural assessment prepared by Cadeema noted previous agricultural uses including grazing and cropping that can be carried out on the land. The previously approved whole farm plan allows for the expansion of agricultural enterprise and practices, therefore being in line with the objectives of the Farming Zone Schedule 1 under Clause 35.07.

Based on the agricultural qualities of the site, including available irrigation infrastructure and the proximity to the adjoining Goulburn Murray Water Channel, it is considered that the use and development will remove productive agricultural land. The proposal has the potential to restrict the growth of existing agricultural operations within the area, noting the proximity of the site from a large horse breeding facility recognised internationally.

Clause 35.07 states the purpose of the zone is to “*encourage the retention of productive agricultural land*”. Considering the approved whole farm plan allows for the expansion of the farming enterprise, the land has access to irrigation modernisation. The purpose of the zone is to retain productive land, the site selection is therefore considered inappropriate for the use and development of a renewable energy facility.

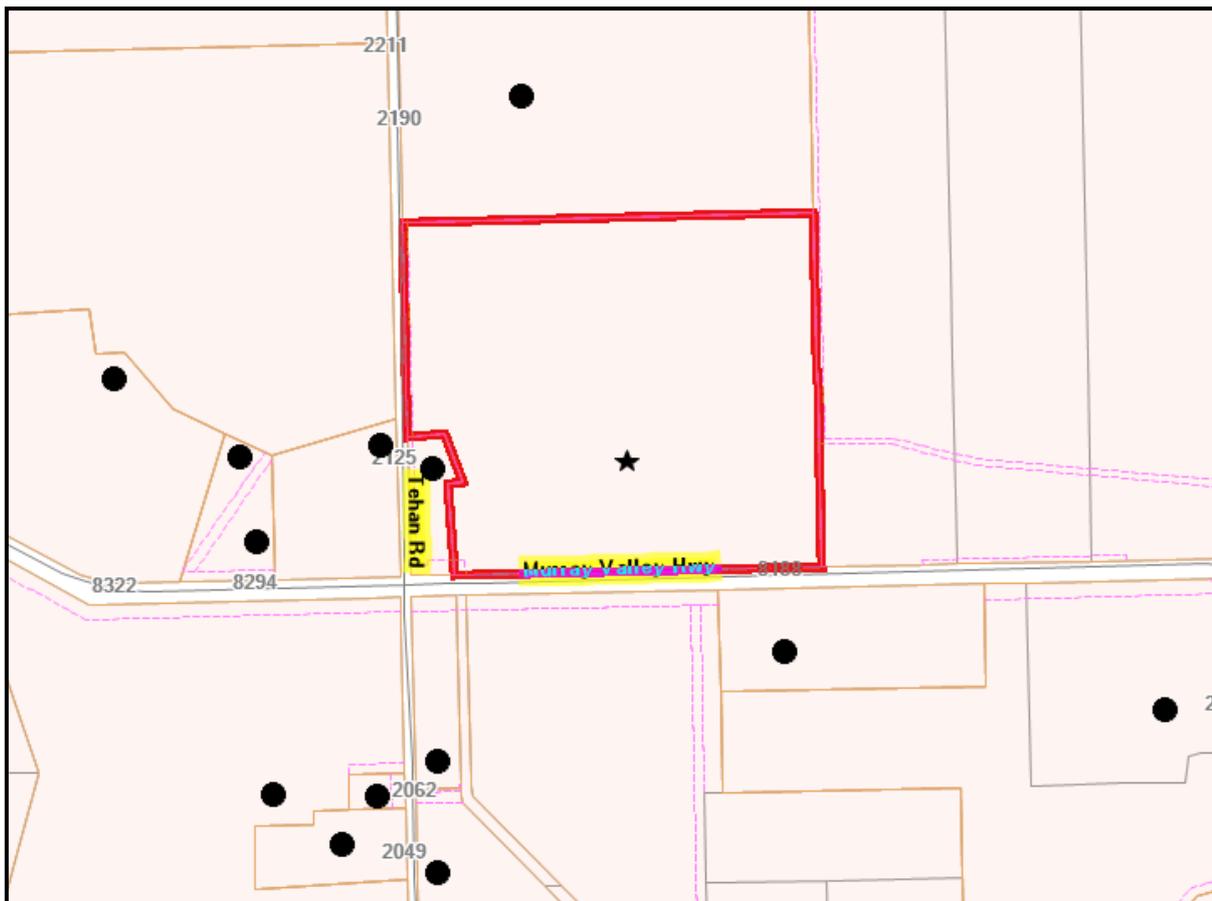
The applicant has been made aware of the concerns regarding the site selection throughout the process of the application. It is noted that although a number of renewable energy facility uses with an area of 10ha or less have been approved within the Shire, the approvals have been on the basis of having appropriate site selection including non-irrigated land, setback from sensitive uses and achieving the setback requirements of Clause 35.07-4.

It is considered based on the above, that the proposal will result in the land being ‘taken out’ of agriculture based on the scale and intensity of the use on the site in relation to surrounding agricultural uses. The use and development are contrary to planning policy framework and local policies and the relevant decision guidelines of the Farming Zone.

Amenity

Clause 13 advises that planning should adopt a best practice environmental management and risk management approach to avoid amenity conflicts. In the case of this application there is potential for amenity impact, given the proximity of the site to several dwellings, which will be relatively close to the panels in three directions as well as existing agricultural uses.

Campaspe Shire Council GIS



Clause 13.05 states that planning should assist with the control of noise effects on sensitive land uses, in this case, the adjoining dwellings may be subject to amenity issues associated with noise and dust associated with the increase of traffic from vehicles during construction. This may result in additional Council resources if/when complaints received due to the inappropriateness of the site and proximity to surrounding dwellings.

In relation to the visual impact, the proposed solar farm, results in a different landscape character from traditional uses in the Farming Zone. In an effort to minimise the visual impact of the development, the applicant has proposed the planting of screening trees along the property boundaries. Whilst this may help to reduce the appearance of the development for adjoining dwellings, it will result in a visual form which is inconsistent with the rural character of the area. In part, if an appropriate site was selected with enhanced separation from sensitive land uses (dwellings) then the need for landscaping would have been minimised. The landscaping is contrary to the surrounding character, in part illustrates poor site selection and has been raised as a concern by objectors.

The site is located within a designated bushfire prone area. The planting of extensive vegetation in an effort to screen the development from neighbouring properties has the potential to increase the fire risk onsite. The application was referred to the Country Fire Authority who, amongst other advice including vehicle access requirements, recommended that a fuel reduced area of 10m width would be required to be maintained around the perimeter of all facilities. The accessways will require the removal of additional productive agricultural land in an attempt to address best practice requirements advised by the authority.

The setback of 15m is inconsistent with the setbacks of surrounding buildings within the Farming Zone and the local area. It is noted that the schedule to the zone requires a setback of 100m from a Road Zone Category 1. If the setback was to be increased, this would result in additional agricultural land being removed, further demonstrating that the site selection for the use is inappropriate.

Although the proposal includes landscaping to minimise the visual impact on the surrounding area, the solar panels in size and design are not a common structure within the agricultural area and will be further noticeable with a setback of 15m from Murray Valley Highway. The setback is not in keeping with the surrounding

agricultural character, also noting that there is limited vegetation within the road reserve to further screen the buildings.

Other matters

Solar panels are designed to absorb as much light as possible to maximise power generation and they have an anti-reflection coating to further reduce reflection. Given the flat topography, proposed screening and the lack of opportunities for overlooking of the site, the potential for impact resulting from reflection or glare is reduced.

Concerns have been raised that the proposal may result in a variance or heat temperature rise. It is considered that there will not be significant change in climate and that no proof or relevant evidence has been provided (not an urban environment). Any difference in temperature, if any, will only be localised to the solar panel surface. Solar panels will be elevated from the ground allowing for ventilation and heat transfer.

Access to the site will be provided via existing vehicle crossovers on the Murray Valley Highway. These vehicle crossovers would likely need to be upgraded to meet Council requirements. Whilst some information regarding traffic management was provided as a part of the application, the application was referred to VicRoads and Council's Engineering Department, who consented to the proposal subject to conditions including the provision of detailed traffic studies.

The proposal is located within the Environmental Significance Overlay Schedule 1 and subject to the Land Subject to Inundation Overlay located at the northern portion of the site. The application was referred to Goulburn Broken Catchment Management Authority who consented to the proposal subject to conditions.

The application was also referred under Section 52 of the Planning and Environment Act 1987 to Powercor and Goulburn Murray Water who consented to the proposal. The proposal was also referred to the Department of Environment, Land Water and Planning who did not provide a response in relation to the application.

Although the authorities have consented the Responsible Authority is required to consider all relevant policies, zones and particular provisions and has considered that based on the site location and agricultural qualities of the site that the proposal is inappropriate and is recommended to be refused.

13. Conclusion

The subject site is considered to not be appropriate for the use and development proposed. The land is productive agricultural land, located in proximity to existing dwellings and should be protected and preserved for agricultural use in accordance with both state and local planning policy. It is recommended that Council as the Responsible Authority issue a Refusal to Grant a Permit.

14. Recommendation

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

Having caused notice of Planning Application No. PLN141/2019 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Refuse to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-4, 52.05-14 and 52.29 of the Campaspe Planning Scheme in respect of the land known as Vol. 11048 Fol.438 and described as 8188 Murray Valley Highway, Koyuga Vic 3622 for the Use & Development of Solar Energy Facility (Micro Solar Farm) in the Farming Zone, Schedule 1; Environmental Significance Overlay, Schedule 1 and Land Subject to Inundation Overlay and access to the Road Zone Category 1 pursuant to Clause 52.29. with the application dated 3 June 2019, due to the following:

- 1. The use and development is inconsistent with the Planning Policy Framework, particularly the objectives of Clauses 14.01 Agriculture and 21.05 Natural Resource Management which all seek to protect and preserve productive farmland from non-agricultural uses.**

2. **The proposed subject site is contrary to Clause 13 Environmental Risks and Amenity which states that planning should avoid or minimise amenity conflicts and Clauses 19.01-2S of the Campaspe Planning Scheme.**
3. **The proposal is contrary to Clause 53.13 Renewable Energy which require that renewable energy facilities are appropriately located to minimise the impact on the amenity of the area.**
4. **The use and development is inconsistent with the purposes of Clause 35.07 Farming Zone which seeks to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture.**
5. **The use and development is contrary to the decision guidelines of Clause 65 of the Campaspe Planning Scheme.**
6. **The proposal is contrary to the 'Solar Energy Facilities Design and Development Guidelines July 2019'.**

6. Planning Authority Decisions

Nil

7. Council Decisions

7.1. Council Policy Review

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

Attachments:

7.1.1 Council Policy 080 – Filming Activities

7.1.2 Council Policy 107 – Public Space Provision and the Public Space Provision Guidelines

7.1.3 Council Policy 152 – Election Period

1. Purpose

To present to Council three reviewed policies for adoption.

2. Recommendation

That Council adopt:

- 1. Council Policy 080 – Filming Activities.**
- 2. Council Policy 107 – Public Space Provision and the Public Space Provision Guidelines.**
- 3. Council Policy 152 – Election Period.**

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

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

Council policies have been prepared and reviewed by the responsible officers in accordance with Council Policy 156 – Policy Framework which establishes a Policy Framework incorporating a policy hierarchy, process for the preparation of new policies and review of existing policies, and a methodology for the management of policies and procedures. It applies to Council and Internal policies.

The purpose of the Policy Framework is to contribute to the consistency, clarity, transparency and accountability of council's decision - making processes and in the delivery of services. This will be achieved by providing a mechanism whereby Councillors and staff create and access a comprehensive collection of the current Council and internal policies and procedures.

Campaspe Shire Council is committed to maintaining a robust and integrated Governance Framework that will assure stakeholders that Council is pursuing its objectives and fulfilling its responsibilities with due diligence and accountability.

7. Content

A summary of the policy to be adopted is listed below, the policy is also attached.

Policy No.	Policy Title	Purpose	Summary of Proposed Changes
DIVISION – ECONOMIC AND COMMUNITY DEVELOPMENT			
Department – Governance			
080	Filming Activities	<ul style="list-style-type: none"> ▪ To provide clarity on filming activities that are possible within Campaspe Shire. ▪ To recognise the social and economic benefits derived from filming activities while protecting the interests of Council, its residents, traders and visitors 	<p>Extensive changes to the Purpose and Policy Statement and inclusion of one definition.</p> <p>Change of review date to three years in accordance with policy review matrix assessment.</p>
DIVISION – REGULATORY AND COMMUNITY SERVICES			
Department – Governance			
107	Public Open Space Provision	<ul style="list-style-type: none"> ▪ To inform Council decisions in relation to the contributions to public open space, the sale, acquisition or disposal of Public Open Space by Council. ▪ To guide decisions for the provision and utilisation of public open space contributions for both infill residential subdivisions and new residential areas in the municipality, within the context of Clause 56 of the Campaspe Planning Scheme and Section 18 of the <i>Subdivision Act 1988</i> 	<p>Rewrite of entire policy including new guidelines.</p> <p>A copy of the current policy is also attached.</p>

Policy No.	Policy Title	Purpose	Summary of Proposed Changes
DIVISION – CORPORATE SERVICES			
Department – Governance			
152	Election Period	<ul style="list-style-type: none"> ▪ To provide procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period before a general election. ▪ To limit public consultation and the scheduling of Council events during the election period. ▪ To provide procedures to ensure access to information held by Council is made equally available and accessible to candidates during the election. 	<p>Changes to the Purpose and Policy Statement.</p> <p>The review date has been changed to four years in accordance with policy review matrix assessment.</p> <p>The Election Period policy is required to be reviewed at least 12 months before the commencement of a new election period.</p>

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: No impact

Balanced Services and Infrastructure: Policies improve delivery on services to the community and give clear direction to officers.

Responsible Management: Council policy assist with establishing guidelines, effective decision making and being accountable to the community.

10. Consultation

- Executive Management Group
- Councillors at the 10 September 2019 Briefing session.

7.2. Council Policy 170 – Chief Executive Officer, Councillor and Staff Interaction

Author:

Ray Burton, Acting Chief Executive Officer

Attachments:

7.2 Proposed Council Policy 170 – Chief Executive Officer, Councillor and Staff Interaction

1. Purpose

Section 94A(3A) of the *Local Government Act 1989* references the requirement for appropriate policies, practices and protocols to be in place defining arrangements for interaction between Council staff and Councillors. This report seeks the adoption of such Policy.

2. Recommendation

That Council adopt Council Policy 170 - Chief Executive Officer, Councillor and Staff Interaction.

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.

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 is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

In accordance with the *Local Government Act 1989* (the Act) the Councillors are responsible as a Council for determining Policy and the strategic direction for the organisation and the Chief Executive Officer is responsible for employing and managing the staff and managing the systems and processes of the organisation to implement that Policy and strategic direction.

The Chief Executive Officer, Councillor and Staff Interaction Policy (the Policy) provides the guidance and clarity required by Councillors when needing to interact with Council staff and clarifies the separation of responsibilities between Councillors and staff.

The Policy outlines the key staff Councillors may contact dependent upon subject matter and reiterates the provisions of the Act (Section 76E) that Councillors are prohibited from improperly directing or seeking to influence Council staff.

The objectives of the Policy are to:

- a) recognise the respective roles and responsibilities of Councillors and council staff, in particular the Chief Executive Officer, in accordance with the Councillor Code of Conduct.
-

- b) assist Councillors and Council staff in respecting the roles and responsibilities of others in the organisation.
- c) maintain transparent decision making and good governance arrangements.
- d) support compliance with the provisions of the *Local Government Act 1989*.
- e) recognise the responsibilities of the Council in ensuring that it meets the responsibilities of the Occupational Health and Safety Act 2004 and the Equal Opportunity Act 2010 to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.

In the event of a Councillor or staff member having concerns regarding communication between Councillors and staff the matter is to be referred to the Chief Executive Officer.

7. Issues and Risk Management

Issues:

Issue 1: The Policy ensures compliance with Section 94A of the Act setting protocols for the interaction between Councillors and staff.

Issue 2: The Policy assists Councillors and Council staff in understanding their respective roles and responsibilities.

Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Policy not adopted	Unlikely	Major	Moderate	Adopt the Policy in current or revised form
Policy adopted but not complied with	Possible	Major	High	Councillor Code of Conduct breach may lead to complaint process under the Act to prevent further breaches.

8. Options

Option 1: Adopt the Policy

Thereby outlining protocol for Councillor and Council staff interaction which will clarify roles and responsibility and assist good governance practices.

This option is recommended by officers.

Option 2: Seek revision to the draft Policy

The Chief Executive Officer has a statutory requirement to ensure appropriate policies, practices and protocols are in place concerning arrangements for interaction between Councillors and Council staff. The draft Policy has been agreed to at Executive level and with the Governance Manager. Any proposed material amendments would need further review by the Chief Executive Officer.

Option 3: Reject the Policy

The Chief Executive Officer would have no mechanism to effectively fulfil his statutory requirements around interaction between Councillors and staff. There would be no clarity around separation of roles and responsibilities.

9. Strategic Planning Environments

Strong and Engaged Communities	Enables Councillors to understand the key staff contacts within Council so they can direct enquiries or source information on behalf of their community.
Resilient Economy	Enables Councillors to act with timeliness and confidence when contacting staff to advocate community needs.
Healthy Environment	No impact
Balanced Services and Infrastructure	Enables Councillors to have timely access to relevant staff.
Responsible Management	Enables good governance around interaction between Councillors and staff.

10. Consultation

The draft Policy was the subject of consultation with Councillors at CEO/Councillor session on 27 August 2019 and has been considered and supported by Executive Management Group and the Governance Manager. Policies have also been sourced and considered from other benchmark Councils.

11. Officer Comment

This Policy was one of the recommendations arising from the Governance Practice review.

7.3. Protected Disclosure Procedure

Author:

Frank Crawley, Governance Manager

Attachments:

7.3 Protected Disclosure Procedure

1. Purpose

To have Council adopt the updated Protected Disclosure Procedure.

2. Recommendation

That Council adopt the Protected Disclosure Procedure.

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

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 is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Council is required to establish and publish procedures under s58 of the *Protected Disclosure Act 2012* (the Act) and in accordance with the Guidelines of the Independent Broad-based Anti-corruption Commission (IBAC) published under s57 of the Act.

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct or the taking of detrimental action in reprisal against persons who come forward to report such improper conduct.

7. Content

The Council contracted the services of a law firm to assist in updating its procedures to ensure that the procedures are in accordance with the Act. The procedure was last updated in July 2015.

The procedure covers:

- How disclosures may be made to Council;
 - How Council manages the receipt of disclosures;
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- How Council assesses disclosures it is able to receive under the Act;
- Notifications the Council is required to make about disclosures to both disclosers and to IBAC;
- How Council protects certain people, including from detrimental action being taken against them in reprisal for making a protected disclosure.

The procedure was reviewed by the Executive Management Group (EMG) in August 2019 and by Councillors in a Briefing session on 3 September 2019.

Once adopted the new procedure will replace the existing document on Council's website.

The law firm who assisted Council in updating its procedure, FOI Solutions provided training to those officers referred to in the procedure as well as the Executive Management Group.

The procedure is recommended to be reviewed again in two (2) years. At the time of preparing the draft procedure, Officers were informed that the Victorian parliament has passed new legislation that will make some changes to the Victorian integrity system and come 1 January 2020 changes will be introduced to the Protected Disclosure Act 2012, replacing existing "protected disclosures" arrangements with "public interest disclosures". As more information becomes available it is anticipated that the draft procedure will need to be further updated.

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	Not applicable
Resilient Economy	Not applicable
Healthy Environment	Not applicable
Balanced Services and Infrastructure	Not applicable
Responsible Management	The adoption of an updated protected Disclosure Procedure supports the themes of Strong leadership, advocacy and good governance, and an organisation that is responsive, flexible, honest, accountable and consistent.

10. Consultation

Internal consultation:

- Audit and Risk Committee
- EMG

External consultation:

- FOI Solutions

Councillors:

- 3 September 2019 Council Briefing Session.

7.4. Review of Local Law No 1 Meeting Procedures

Author:

Frank Crawley, Governance Manager

Attachments:

7.4.1. Draft Local Law No 1 Meeting Procedures 2019

7.4.2 Local Law Community Impact Statement

1. Purpose

To endorse draft Local Law No 1 Meeting Procedures for the purpose of public consultation.

2. Recommendation

That Council:

- 1. Endorse draft Local Law No 1 Meeting Procedures 2019.**
 - 2. Authorise the Chief Executive Officer to:**
 - a. Give public notice of the preparation of the draft Local Law No 1 – Meeting Procedures 2019.**
 - b. Make the draft Local Law No 1 Meeting Procedures available for public inspection.**
 - c. Invite submissions on the draft local law in accordance with Section 223 of the *Local Government Act 1989*.**
 - 3. Consider submissions received under section 223 of the *Local Government Act 1989*.**
-

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

An assessment against the Charter of Human Rights and Responsibilities has been undertaken and based on the assessment and the limitations identified, on balance, the draft local law is deemed to be compatible to allow for Council to meet all of its other statutory obligations.

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 current Meeting Procedure Local Law No 1 came into operation on 30 January 2018 and ceases to operate on 29 January 2028 unless revoked sooner by Council resolution.

7. Content

The Council resolved at its meeting on 19 March 2019 to undertake a review of its Meeting Procedures Local Law and consider any proposed changes at or before its September 2019 Council Meeting. The Council has considered changes to the existing meeting procedures local law at its briefing sessions on 14 May, 2 July and 13 August 2019.

The main changes relate to the following:

- Includes definitions for points of order and examples, procedural motion and examples and substantive motion. Includes in definition of Chief Executive Officer (CEO) that a member of staff appointed by the CEO as his/her delegate can perform the duties of the CEO for the purposes of the Meeting Procedures Local Law.
- Include a provision for Councillors to request of the CEO not to receive reports where they've declared a conflict of interest.
- Included the subjects that will be in the order of business
- Included a new provision for councillor acknowledgments to recognise significant community members and events.
- Added a new clause for Councillors to receive supplementary reports
- Changed Public Question Time so that questions must be received by 12 noon on the day of the meeting rather than no later than 10 minutes following the commencement time of the Ordinary meeting if questions are submitted in person.
- Clarification of the ten (10) business days notice for Notices of Motion
- Included in Notices of Motion requirement for a rationale and CEO discretion to include Officer's comments.
- Changed timing for rescission motions so that motion must be provided to CEO by 5pm the day following the Council meeting rather than 12 noon two (2) days following the meeting.
- Clarified in the Role of the Chair so that the Chair can participate in debate but should not move or second a motion from the Chair.
- Clarified that if the Mayor is not in attendance or vacates the Chair that the Deputy Mayor must take the Chair.
- Included in the section on Voting to be by Show of Hands that if a Councillor intends to abstain from voting that it must be stated prior to the vote occurring and must include an explanation for the abstention. Also included how the abstention will be treated in relation to the vote.
- Included in the Casting Vote clause that if the Chairperson exercises their casting vote they must provide an explanation to the meeting as to why they voted in a particular way.
- In the section "An amendment once carried" included that the mover and seconder of a successful amendment become the mover and seconder of the substantive motion.

- Deleted clause on Proposed Alternate Motion as issue better managed outside of meeting procedure.
- Included in section on Debating a Motion that at any time during a debate a Councillor may request through the Chair that an officer present at the meeting provide clarification on the item being debated.
- Added schedule of Procedural Motions and effect of Motion.
- Clarified what a Point of Order is so any point of order has to be in accordance with that definition. Included an additional reason to adjourn the meeting to give Councillors time to liaise with the media.
- Added a clause which states that the CEO or his/her delegate can draw the Chairperson's attention to any non-compliance with meeting procedures.
- Added a clause that it is the responsibility of Councillors to exhibit good conduct in Council meetings.
- Added a clause that the CEO may address the meeting if there is criticism of Council staff at the meeting or in the media.
- In the section on Advisory and Special Committees included a statement on those sections of the meeting procedures that aren't applicable to Advisory and Special Committee meetings.
- The Election of the Mayor section has been significantly changed so it's clear that the process for electing Mayor and Mayor-Elect is the same with the only difference being the voting method where Mayor-elect is by secret ballot and election of Mayor at the Council meeting is by show of hands unless otherwise decided.

Council is required to prepare a Local law Community Impact Statement which is attached. It is also required to undertake an assessment against the Charter of Human Rights and Responsibilities which has been undertaken and the draft Local Law is compliant.

The Council will advertise the seeking of submissions to the draft Local Law No 1 Meeting Procedures 2019 with the closing date of 4 November 2019. This is approximately seven (7) weeks after the Council meeting in which the draft was endorsed for consultation.

The Council should be in a position to consider submission received under section 223 of the Local Government Act at the Ordinary Council Meeting on 19 November 2019.

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. Options

Option 1: That Council approve the recommendation.

This option is recommended by officers.

Option 2: That Council not approve the recommendation.

This option is not recommended by officers.

10. 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: The adoption of a new meeting procedure local law is consistent with the strategic outcome of Strong leadership, advocacy and good governance and strategy 4 - enable the delivery of services, facilities and programs to the community through sound corporate governance and fiscal responsibility.

11. ConsultationInternal

- Councillors
- Executive Management Group

External

- This will occur through the Section 223 public consultation process.

7.5. Campaspe Shire Council Electoral Representation Review

Author:

Frank Crawley, Governance Manager

Attachments:

- 7.5.1 Campaspe Shire Council Preliminary Report
 - 7.5.2 Campaspe Option A Preliminary Report Map
 - 7.5.3 Campaspe Option B Preliminary Report Map
 - 7.5.4 Campaspe Shire Council submission to Preliminary Report
-

1. Purpose

To seek Council's endorsement of its submission to the Victorian Electoral Commission's Preliminary Report on Campaspe Shire Council's Electoral Representation Review.

2. Recommendation

That Council:

- 1. **Endorse the submission to the Victorian Electoral Commission on its Preliminary Report on Campaspe Shire Council's Electoral Representation Review.**
 - 2. **Note the action of the Chief Executive Officer in lodging Council's submission on 30 August 2019 to meet the submission closing date of 4 September 2019.**
-

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

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 is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Section 219C(6) of the *Local Government Act 1989* (the Act) states that independent reviews of electoral representation must take place on a regular basis to provide for fair and equitable representation. It also states that the review must be conducted before every third general election or any other time as specified by the Minister by a notice published in the Government Gazette. The last review was completed on 17 December 2007 and since that time there have been general elections held in 2008, 2012 and 2016.

A notice was published in the Government Gazette on 27 September 2018 stating that the next electoral representation review for Campaspe Shire Council must be completed by 24 April 2020.

The purpose of a review is to recommend to the Minister the number of Councillors and the electoral structure that provides fair and equitable representation for the voters. The review considers the number of Councillors and various structures such as un-subdivided municipalities, single member wards or multi-member wards. There is a general principle that there should not be a variation greater than 10% in Councillor to voter ratios between wards.

7. Content

The Victorian Electoral Commission (VEC) published its preliminary report on 7 August with submissions to the report's findings closing on 4 September 2019.

The preliminary report considered that nine (9) Councillors was an appropriate number of Councillors given the size of the municipality and comparison to like Councils.

At the Briefing session on 13 August Councillors agreed with this view.

The report presented two options in relation to the number of wards and wards boundaries, Option A and Option B.

Option A which was the VEC's preferred option was to basically maintain the status quo, i.e. nine (9) Councillors in five (5) wards consisting of two (2) three Councillor wards and three (3) one Councillor wards. They suggest minor boundary adjustments to the Echuca and Waranga wards to maintain the Councillor to voter ratio within the 10% variation threshold. The VEC takes into account projected population increases when determining boundaries so that the 10% variation lasts until the next review in 12 years. Attachment no 7.5.2 Option A preliminary report map shows the proposed and existing boundaries and the Councillor to voter ratio for each ward.

Attachment no 7.5.3 Option B preliminary report map was for an unsubdivided municipality of nine (9) Councillors.

Option A was considered to best represent the diverse communities of interest across the Shire. It also requires only minimal adjustments to the Echuca and Waranga Ward boundaries. The adjustment for the Echuca ward would be to move the present Eastern boundary toward the built-up area. The adjustment for the Waranga ward would be to move its northern boundary further north to Webb Road which is a main road.

Option B which was for an unsubdivided municipality of nine (9) Councillors was not the preferred option of the VEC but did have the advantage of perhaps increasing the number of candidates at an election. Its drawbacks could be a concentration of Echuca Councillors at the expense of representation in rural areas, it isn't conducive to the communities of interest concept and would perhaps not be as representative where there are two large towns with different services and demographics.

Councillors considered the two options at the briefing session on 13 August and had clear support for option A which is the status quo with some slight boundary adjustments.

Given that the deadline for submissions didn't allow for the matter to be considered at the next Council meeting Councillors agreed that the Chief Executive Officer would lodge a submission on behalf of Council before the deadline supporting Option A and would have the submission endorsed at the next available Council meeting.

The Council's submission is attached.

The VEC has scheduled a public hearing for 5.30 pm Tuesday 10 September at the Council library for those submitters wishing to speak to their submission. At the time of writing this report four (4) speakers have been scheduled to present. Due to the unavailability of the Mayor the Deputy Mayor Cr Neele will be speaking to the Council's submission.

The VEC will consider all submissions to its preliminary report and issue its final report on 2 October 2019.

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. Options

Nil

10. Strategic Planning Environments

Strong and Engaged Communities	Having an appropriate electoral structure assists in achieving the strategic objective of enabling engaged and active residents
Resilient Economy	Not applicable
Healthy Environment	Not applicable
Balanced Services and Infrastructure	Not applicable
Responsible Management	Having an appropriate electoral structure helps provide strong leadership, advocacy and good governance.

11. Consultation

Internal consultation:

- EMG

External consultation:

- Consultation is the responsibility of the VEC. They held an information session on 13 June 2019 and advertised in local papers on a number of occasions.

Councillors:

- 13 August 2019 Council Briefing Session.

7.6. Future of the Toolleen Axedale Road Widening Project (PR100190)

Author:

Richard Conway, General Manager Infrastructure Services

1. Purpose

To seek Council decision on the future of Project 100190 Toolleen Axedale Road Widening.

2. Recommendation

That Council:

- 1. Approve the termination of project Toolleen Axedale Road project 100190.**
 - 2. Approve the integration of the project for the 2020/21 capital works budget process.**
 - 3. Return the unspent Council allocation to unallocated asset renewal reserve.**
-

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

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 is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

In late 2016 Council applied for a grant for the widening of Toolleen Axedale Road from Regional Development Victoria (RDV). The project envisages widening the sealed road surface from 3.8 to 6.2m for 1600m from the intersection with the highway to the Shire boundary.

Before making the application the project group sought supporting letters from likely users, Wineries, Agricultural Hauliers and the like. After gaining seven supporting letters the application was made and was successful. The project was included in the 2017/18 Council budget at a cost of \$612,000 two thirds of which comes from the funder (\$408,000).

In working through the project and at the detailed design stage it was discovered that a lot more trees needed to be included for removal or protection than was originally planned. Because Council works to the Australian Standards when delivering "new" or "upgrade" road projects these trees would need to have barriers placed around many of them. The cost of this barrier work had not been included in the original application.

Discussions took place between Council and the funder through the first half of 2019 to identify the chances of more funding or what opportunity there might be to amend the scope. To allow for the chance to get extra funds from RDV the project appeared in the 2019/20 budget with a further Council allocation. After protracted

discussions the outcome is that RDV will not be supplying further funds and the scope of the project cannot be amended in any fashion. RDV's funding must be spent this financial year so if the project goes beyond 2019/20 then it will be without RDV funds. This leaves only one decision to be made:

1. Whether to continue with the project funding the shortfall from Council reserves; or
2. Terminate the project until such time as another funding opportunity comes about which will likely be next financial year.

7. Issues and Risk Management

Issues:

Issue 1: The need for the project

Hauliers and Wineries supplied letters of support for the grant application that were instrumental in gaining the grant in the first place. With the exception of the intersection with Northern Highway the road is, based on crash evidence, reasonably safe. The intersection, which has seen several accidents, is otherwise the responsibility of Rural Roads Victoria although this project did include amending it as part of its scope. The overall concerns expressed in the letters of support were in relation to:

1. The safety and security of goods when travelling down the road and moving to and from the unsealed section as heavy goods vehicles come upon oncoming or overtaking traffic.
2. The attractiveness of the road to tourists and its importance as a trunk road to tourism and commercial traffic.
3. The view that the road is subject to flooding so any widening of the sealed surface, and associated improvements to drainage, would make the road better.

Issue 2: Funding the work

RDV funding is on a two for one basis. This means that they on take two thirds of the weight of any project they approve funding for (66.6% to 33.3%). Taking in to account the extra money now required to continue the project the actual funding would be the reverse. The total cost of the project, excluding contingency and without tender prices, is \$1.1 million of which \$408,000 is RDV funds and the remainder, \$692,000, would be Council (a 38%-62% split with Council the larger funder in this case). As with any project the true test of its cost is when going to the market for tenders. It may be more or less funds are required. The estimate provided is based on the design without having gone to the market.

Should the project be terminated for this year it could go ahead using funding from other sources next year. For example the Regional Roads Victoria program "Fixing Country Roads" would offer similar financial support to the RDV fund (2-1). It would also represent a much better financial outcome than the 38%-62% ratio the project represents now (this is on the proviso that any application would be successful).

Issue 3: What if it doesn't happen, what are the options?

If the decision is made to cancel the project for this year then there are projects already identified by Council resolution that would qualify for the funds. In its July 2019 meeting Council resolved that Allan Street Kyabram should have safety improvements delivered once funding could be identified. The costs of designing and delivering these improvements could be covered by the freed funding from the Toolleen Axedale project. The 2019/20 Council allocation for Toolleen Axedale is \$265,000. The expert indicated around \$103,000 for safety improvements, excluding design and any permits or traffic control. So there would be enough money available to design and deliver the improvements and cover any variations in cost between estimate and delivery.

Alternatively, the funds could be held aside for other opportunities in time for the mid-year budget review or to cover any funding shortfall in other "new" or "upgrade" capital works projects in the 2019/20 budget.

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: Terminate the project for this year on the understanding that it would be prioritised for the future**

As it stands the only way of funding the shortfall is to take from Council reserves. While Council does have the funds in reserve this is effectively a cost beyond the approved budget which may not be covered in savings this year. There are other funding opportunities next year that may remove more of the burden of funding the project.

This option is recommended by officers.

Option 2: Fund this year authorising \$305,000 to be assigned from Council reserves for the project

Delivering the project this year does eliminate the risk of future year cost increases. It also follows through on an implicit promise to the community when the project was named in the Council budget. However, it does also mean Council is taking on more of the financial burden. A burden that may have been relieved by future funding opportunities had the project been held for one year.

This option is not recommended by officers.

9. Strategic Planning Environments

Strong and Engaged Communities	The project was created because of community feedback. The delivery of it is therefore implicit although Council holds final decision on when.
Resilient Economy	No Impact
Healthy Environment	No Impact
Balanced Services and Infrastructure	No Impact
Responsible Management	Delivering the project with the minimum Council contribution is the best outcome for ratepayers.

10. Consultation**Internal consultation:**

- Engineering Design Department
- Road Services Department
- Infrastructure Services General Manager
- Program Office Manager
- Project Manager

External consultation:

- External designers
- Regional Development Victoria

Councillors:

- 13 August Council Briefing Session.

7.7. Authority to Sign Financial Statements

Author:

Ailsa Box, Finance Manager

Attachments:

7.7. Draft Financial Statements and Draft Performance Statement

1. Purpose

To present the unaudited financial and performance statements for Council's 'in principle' approval and authorise two Councillors to sign the 2018/19 Financial Statements and Performance Statement.

2. Recommendation

That Council:

- 1. Approve 'in principle' the financial statements and performance statements, at Attachment 7.7.**
 - 2. Authorise the Principal Accounting Officer to make changes to the Financial Statements and Performance Statement as determined by the Victorian Auditor-General and that any material amendments be made in consultation with the Chair of the Audit and Risk Committee and any material amendments be notified to Council as soon as possible.**
 - 3. Authorise the Mayor and an Audit and Risk Committee Councillor to sign the annual financial statements and performance statement on behalf of Council.**
-

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

Under Sections 131(7) and 131(8) of the *Local Government Act 1989*, Council cannot submit its financial or performance statements to the Victorian Auditor-General until Council has signed them off.

Council must pass two resolutions, the first gives 'in principle' approval for the financial statements and performance statement and the second authorises two Councillors, on behalf of Council, to certify the statements once amendments or changes requested by the Victorian Auditor-General have been made.

The Department of Environment, Land, Water and Planning suggests the following process:

- The Audit Committee reviews the draft financial statements and performance statement and makes any required changes.
- Council formally meet to review the draft financial statements and performance statement. These are attached as Attachment 7.7. Council is required to pass a resolution giving it's 'in principle approval' to the statements and to authorise two specific councillors to sign the 'statements' in their final form before they can be forwarded to the Victorian Auditor-General for sign off.
- The statements and other documentation are provided to the audit contractor who forwards them to the Victorian Auditor- General.
- The Auditor-General reviews the statements and other documentation and requests changes where appropriate.
- The Principal Accounting Officer considers the Victorian Auditor-General's changes and incorporates them into the statement as agreed.
- The authorised Councillors, Chief Executive Officer and Principal Accounting Officer sign off the financial statements and submit a final signed copy of the statements to the Victorian Auditor-General.
- The Victorian Auditor-General then issues the audit report for both the financial statements and the performance statement.

7. Content

Council's external auditors have worked with officers to ensure the statements reflect the appropriate financial position. These statements were provided to Council's Audit and Risk Committee and discussed at 4 September 2019 meeting. The Audit and Risk Committee have referred these statements to Council for the necessary approvals.

The financial statements for the year ending 30 June 2019 report a surplus of \$10.983 million which is greater than the budgeted surplus of \$9.930 million. For information that explains the variances to budget, refer to Note 1.1 of the Annual Financial Statements.

The Annual Financial Statements report key variances as follows:

- Grants (capital) is less than budgeted by \$3.053 million. This includes \$1.298 million for the Riverfront redevelopment funding grant that was received in 2018/19 but has to be recognised in 2019/20 as Council has not gained the right to the funds until performance targets are completed, \$0.723 million grant for the Waranga rail trail and \$0.400 million for Echuca Industrial Park Stage 3 were not funded by other funding bodies and a number of grants for bridge projects were fully budgeted in 2018/19 but not all funds were received, the balance of these grants will be received in 2019/20.
- Contributed assets of \$6.568 million were recognised by Council in 2018/19. On completion of subdivisions assets including roads, footpaths, kerb and channel, drainage and parks and reserves are transferred to Council control. Non-monetary contributions are not budgeted.
- A loss on disposal of property, plant and equipment of \$5.996 million impacted on the surplus variance. The balance includes a number of assets that were written off as they have been demolished or their use changed which has impacted the value of the asset.
- Within expenses there have been savings in employee costs due to a reduction of Council's WorkCover premium (\$500,000) and difficulties recruiting suitably qualified staff to vacant positions.
- The underlying surplus, which removes capital income and contributed assets is \$173,000 compared to a budgeted underlying surplus of \$353,000. The contributors to this variation are the recognition of bad and doubtful debts and an increase in depreciation expenses.

The Performance Statement reports on the local government performance reporting indicators and demonstrates results consistent with prior years.

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: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: The Financial Statements and the Performance Statement portray the actual financial result for 2018/19 year and are an important component of Council's compliance reporting requirements.

10. Consultation

Council's Audit and Risk Committee, External Auditor (Johnsons MME)

8. Council Information

8.1. Assembly of Councillors Records

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

1. Purpose

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

2. Recommendation

That Council note the Assemblies of Councillors records.

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

The *Local Government Act 1989* provides 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 August 2019:

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	6 August 2019	
Start time:	9:34am	Finish time: 4:29pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present and apologies 2. Declaration of Interests 3. Aged Care Services Update No. 5 4. Early Years Position Paper Discussion No. 1 5. FOGO Program Implementation Update 6. Rushworth Streetscape Discussion No. 3 7. Echuca Moama Torrumbarry Flood Study Update No. 3 8. Murray Esplanade Port of Echuca Precinct Landscape Plan Update 9. Access and Inclusion Strategy 10. Stanhope Place Based Plan Update 11. Policy Review 12. Local Government Rating Review Consultation 13. CEO Employment and Contract Committee Update 14. Meeting Close 	
Attendees		
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele, Cr Daniel Mackrell, Cr Kristen Munro, Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr John Zobec	
Staff	Ray Burton (12:50pm – 4:29pm), Fleur Cousins (11:20am – 4:29pm), Keith Oberin, Paul McKenzie (9:34pm – 11:59am), Richard Conway (9: 34am – 3:36pm), Sharolyn Taylor	
Apologies		
Councillors	Cr Leigh Wilson	
Staff		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
7 – Kyabram Flood Study	Cr Weston	Yes
11 – Policy 161	Cr Munro	Yes

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	13 August 2019	
Start time:	9:33am	Finish time: 5:07pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present and apologies 2. Declaration of Interests 3. Capital Works Framework Discussion 4. Local Law No. 1 Meeting Procedures Review Discussion No. 3 5. VEC Electoral Representation Review Discussion No. 2 6. Outstanding Fees – Kyabram Football/Netball Club and Echuca Basketball Association 7. Echuca Court Services Project Update No. 4 8. CEO Employment and Contract Committee Update 9. Meeting Close 	
Attendees		
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele, Cr Kristen Munro (9:45am – 5:07pm), Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr John Zobec (9:40am – 1:20pm)	
Staff	Ray Burton, Fleur Cousins (9:35am – 5:07pm), Keith Oberin (11:02am – 12:20pm), Richard Conway (9:33am – 12:01pm), Paul McKenzie (9:33am – 12:02pm) (3:42pm – 5:07pm), Sharolyn Taylor	
Apologies		
Councillors	Cr Daniel Mackrell, Cr Leigh Wilson	
Staff	Keith Oberin (9:33am – 11:02am)	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
3 – Capital Works Framework, Echuca Marina Vessels and Pevensey Emergency Sipping and Planking	Cr Munro	Yes

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	20 August 2019	
Start time:	12:33pm	Finish time: 3:29pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present and apologies 2. Declaration of Interests 3. Council Meeting Agenda – Open Q & A 4. Council Meeting Agenda – Confidential Q & A 5. Monthly Performance Reporting – Operational Reports 6. Monthly Performance Reporting – Council Resolutions for Action Register 7. Briefing Minutes Review 8. Meeting Schedule 9. Communication Reports 10. Councillor Portfolio and Committee Updates, Reports from Conferences and Training Attended 11. MAV State Council Meeting Possible Motion/s 12. General Discussion and Question Time <ol style="list-style-type: none"> 12.1 Campaspe Valley Community Centre, Rochester Secondary College 13. Councillor In Camera Session 14. Meeting Close 	
Attendees		
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele (Deputy Mayor) Cr Daniel Mackrell, Cr Kristen Munro, Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr Leigh Wilson (12:33pm – 2:21pm), Cr John Zobec	
Staff	Ray Burton, Fleur Cousins, Keith Oberin, Richard Conway, Paul McKenzie, Sharolyn Taylor	
Apologies		
Councillors		
Staff		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
3 – 7.2	Cr Munro	Yes
3 – 7.2	Cr Wilson	Yes
3 – 7.5	Ray Burton	No
3 – 8.3	Cr Munro	Yes
12.1	Cr Munro	Yes

8. Issues and Risk Management

Nil.

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

10. Consultation

Nil.

8.2. Letters of Appreciation

The following have been received:

- Talbot Varcoe – thank you for your contribution through the Responsive Grants Program for an unforgettable experience to travel to Canada and America to represent Australia at athletics track and field events.

Throughout competition, performing to the best of my abilities, I received a new personal best in the 400m and created a new record for the Jack Brow Memorial U18 4 x 100m male relay with three other Australian representatives. I am very proud and happy with my effort throughout the competition as I put everything I could into each and every event I competed in.

- Richard Catchlove, Brighton – a huge thank you! Our family visited Echuca for the weekend (10 & 11 August) and were delighted by the town, the tourist centre, the Murray River and the Port of Echuca Discovery Centre. Everywhere we went and everyone we met were wonderful, welcoming and helpful. The restaurants and pubs were also excellent. All round a fabulous time was had and we will be back.
- Lyndall Caddaye, Echuca – a personal thank you to the staff that conduct the volunteer transport service, they do a wonderful job.

Lyndall had the privilege of using the volunteer transport service to attend an appointment at St Vincent's Hospital in Melbourne. Ruth, the driver, is an absolute treasure and an asset to this service.

- Rochester Historical & Pioneer Society Inc – thank you for the annual contribution to the Rochester Historical & Pioneer Society. This contribution helps to keep the Museum Complex in High Street open for public to view and research the important history of our district. The volunteers greatly appreciate the support provided by Council.
- Tania Maxwell MP, Member for Northern Victoria – congratulations on the successful funding provided to enhance Riverboat Dock. This project will no doubt increase tourism capacity and inherently provide sustainability for businesses in the Port of Echuca and within the township.

Council's commitment to people living in the local area is highly commended and the proactive approach will benefit Echuca and surrounding areas in the Campaspe Shire.

- Strathallan Hall Committee – thank you for the contribution towards the celebration of the Hall's 90th birthday through the Responsive Grants Program. The event was a great success with good weather and a turnout of 90 people.
- Lockington & District Living Heritage Complex Inc – thank you for the 2019/20 contribution towards the work carried out for the community and wider afield. Thank you also to Jessica Ibbeson, Community Programs Coordinator for offering assistance and being prepared to attend meetings to discuss grants available to our organisation.

Recommendation

That Council note letters of thanks and appreciation.

8.3. Responsive Grants Program

Author:

Bobbi Aitken, Civic Events and Grants Officer

Responsible Manager:

General Manager Economic and Community Development

1. Purpose

To note the outcomes of the Responsive Grants Program applications considered in accordance with the grant guidelines and criteria.

2. Recommendation**That Council:**

1. **Note the following grants have been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:**
 - **Lockington Preschool Advisory Committee – to cover the cost of Splash n Learn instructors to run a four week learn to swim program for 15 children from 5 November – 3 December, \$921.**
 2. **Note the following grants have not been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:**
 - **Heathcote Winegrowers Association – to assist with costs associated with an Undervine Field Day to be held in Colbinabbin on 18 September.**
 - **Waranga Community Health – to cover to cover the cost of a 21 seater bus with driver and purchase of lucky seat prizes for the bus trip to the Women’s Health Week event being held in Shepparton on 9 October.**
-

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

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

This month, the following applications have been received:

Organisation	Amount	Amount Recommended	Purpose	Comment
Heathcote Winegrowers Association	\$1,000	\$0	Towards the cost of the Undervine Field Day to be held in Colbinabbin on 18 September	Not approved by CEO – does not meet assessment criteria
Lockington Preschool Advisory Committee	\$921.90	\$921	To cover the cost of Splash n Learn instructors to run a four week learn to swim program for 15 children from 5 November – 3 December	Approved by CEO – meets assessment criteria
Waranga Community Health	\$500	\$0	To cover to cover the cost of a 21 seater bus with driver and purchase of lucky seat prizes for the bus trip to the Women's Health Week event being held in Shepparton on 9 October	Not approved by CEO – does not meet assessment criteria

Fund Balance Prior to application approval:	\$23,700
Funding approved:	\$921
2019/2020 Fund Balance: (17 September 2019)	\$22,779

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

8.4. Staff Recognition for Years of Service

Author:

Bobbi Aitken, Economic and Community Development Executive Assistant

Responsible Manager:

General Manager Economic and Community Development

1. Purpose

To acknowledge the completion of the number of years of service to the Campaspe Shire Council by all permanent employees and casual employees from 1 July 2018.

2. Recommendation

That Council note the significant milestones achieved by members of staff in line with Council Policy 062 - Staff Recognition Program.

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

Recognition of the following milestones employees have achieved.

Shane Stacey	10 years	12 January 2019
Matthew McPherson	10 years	19 January 2019
Peter Dunlop	10 years	27 January 2019
Steven Nihill	10 years	10 March 2019
Christine Dickinson	10 years	16 June 2019
Brendan Kneebone	10 years	6 July 2019
Leon Burton	10 years	20 July 2019
Melissa Colbert	10 years	31 July 2019

Terrence O'Keefe	15 years	29 January 2019
Keith Oberin	15 years	2 February 2019
Shannon Lockwood	15 years	9 February 2019
Elce Berzuela	15 years	26 February 2019
Mark Nankivell	15 years	1 March 2019
Leah Nolan	15 years	9 March 2019
Tim McEwan	15 years	22 March 2019
Robert McCormick	15 years	24 March 2019
Susan Walker	15 years	21 April 2019
Andrew Cowin	15 years	26 May 2019
Suzanne Tangey	15 years	1 September 2019
John Fitzsimmons	15 years	23 December 2019
Julie Thornton	15 years	29 December 2019
Carolyn English	20 years	1 January 2019
Tracey Peace	20 years	4 June 2019
Deborah Tonkin	20 years	30 August 2019
Graham Trist	20 years	8 December 2019
Stephen Cook	25 years	27 June 2019
James Ryan	25 years	19 September 2019
Sandy Ennis	25 years	26 September 2019
Jennifer Tenace	25 years	21 November 2019
Raquel Paynter	30 years	3 January 2019
Steven Nalder	30 years	1 March 2019
Geoff Cruz	45 years	23 September 2019

A reception has been arranged for Thursday, 31 October 2019 for staff and families to attend for presentation of recognition certificates and gifts.

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: No impact

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: Recognised significant milestones and the individual's contribution to service delivered by the Campaspe Shire Council.

9. Consultation

Not applicable

8.5. Audit and Risk Committee Annual Report

Author:

Fleur Cousins, General Manager Corporate Services

Attachments:

8.5 Audit and Risk Committee Annual Report 2018-19

1. Purpose

To note the Audit and Risk Committee Annual Report that highlights the functions and activities of the Audit and Risk Committee for the financial year period of 1 July 2018 to 30 June 2019.

2. Recommendation

That Council:

- 1. Receive and note the Audit and Risk Committee Annual Report 2018-19 contained in Attachment 8.5.**
 - 2. Note the Audit and Risk Committee has provided oversight to the implementation and close out of a significant number of outstanding internal audit actions from previous internal audit reports.**
 - 3. Acknowledge and thank the external audit members for their commitment and contribution provided to the Audit and Risk Committee over the past 12 months.**
-

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

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 is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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 process, the system of internal control, risk management, the audit process and Council's process for monitoring compliance with legislation and the code of conduct.

The Committee has a detailed Charter outlining the roles and responsibilities of the Committee, which was last reviewed in January 2019. Following the review of the Charter by the Committee, Council adopted a revised Charter in March 2019. The revised Charter introduced a new member category 'affiliate member' and added further detail on the process for recruitment of new independent external members. In accordance with this

Charter, the Committee comprises of three independent external full members, one independent external affiliate member and two Councillors. The external full 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. The external affiliate member is appointed for a term up to two (2) years in duration.

The Audit and Risk Committee Charter requires that an annual report be prepared by the Committee for presentation to Council highlighting the achievements and areas of focus of the Committee during the financial year.

7. Content

The Campaspe Shire Council Audit and Risk Committee Charter provides that an Annual Report on the activities of the Audit and Risk Committee be prepared and presented to Council at the conclusion of each financial year.

The key purpose of this report is to:

- Achieve greater awareness of the composition, purpose, role and responsibilities of the Audit and Risk Committee;
- Outline the activities of the Audit and Risk Committee, including a summary of the Council's Internal Audit Program; and
- Provide Council and the Community with increased exposure to the oversight provided on Council's operations of risk management, governance, internal controls and financial management.

A key function of the Audit and Risk Committee is to receive reports from Council's Internal Auditor, AFS & Associates. For the 2018-19 year, the Committee received 3 internal audit reports on various topics that were conducted during the financial year. These internal audit reports contain recommendations to improve processes and or internal controls to effectively manage any potential risks. Management responses and comments were provided in respect of these recommendations and an action plan agreed upon. The Committee reviews the implementation of these recommendations at each meeting to ensure that the recommended and agreed audit actions are enacted thus continually improving Council's procedural and control environments. Details of each of these reports are contained in the Annual Report. A significant focus has been placed on the implementation of outstanding audit actions from previous years and the Committee is pleased to highlight the significant number of actions that have been implemented and closed out during the 2018-19 financial year.

The Annual Report also provides an overview of the membership of the Committee, member attendance at Committee meetings and a summary of the self-assessed performance review the Committee undertook.

8. Issues and Risk Management

Issues:

There are no issues related to this report.

Risk:

Risk management has been considered in the preparation of this report and no risks have been identified in this process.

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 provides the public with the assurance that the operations and risks within the organisation have the appropriate oversight and that the necessary governance practices are being applied. The Committee's Annual Report provides further transparency on the role and activities of the Committee to Council and the community.

10. Consultation

The draft Audit and Risk Committee Annual Report for 2018-19 was reviewed by the Committee at its meeting held on 4 September 2019 and the Committee resolved to endorse the report and present it to the next available Council meeting.

8.6 Audit and Risk Committee Meeting Minutes

Author:

Michael Bennett, Audit and Risk Committee Chairperson

Attachments:

8.6 Draft Minutes of the Audit and Risk Committee meeting held on 4 September 2019.

1. Purpose

To note and adopt the Audit and Risk Committee Meeting Draft Minutes of the meeting held on 4 September 2019.

2. Recommendation

That Council:

- 1. Note the Draft Minutes of the Audit and Risk Committee meeting held on 4 September 2019 subject to confirmation by the Audit and Risk Committee; and**
 - 2. Authorise the Chief Executive Officer to develop a work plan to satisfy the findings of the Draft Final Management Letter and allocate the necessary additional resources to achieve the implementation of the workplan, with a progress report provided to Audit and Risk Committee at each of their meetings.**
-

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

The Audit and Risk Committee's role is to monitor, review and advise Council on matters of accountability and internal control.

The Audit and Risk Committee provides Council with Draft Minutes after each meeting. The Draft Minutes are then formally adopted at the following meeting. To enable officers the ability to present the Minutes to Council in a timely manner the process has been changed. It is appropriate that Council is presented with the outcomes from the Audit and Risk Committee meetings as soon as practical after meetings. This will necessitate the noting of the Draft Minutes and adoption of the final Minutes once formally adopted by the Audit and Risk Committee at the following meeting.

7. Content

Meeting: 4 September 2019

The 4 September 2019 Audit and Risk Committee meeting was attended by:

Members: Michael Bennett, Wayne Jenkin, Linda MacRae, Cr John Zobec, and Cr Leanne Pentreath

Affiliate Member: Ray Warren

Officers: Fleur Cousins (General Manager Corporate Services), Ailsa Box (Finance Manager), Rebecca Burns (Governance Support Officer)

Internal Auditor: Brad Ead (AFS and Associates)

External Auditor: Ryan Schiscka (Johnsons MME)

Apologies: Ray Burton (Acting Chief Executive Officer), Donna Standfast (Corporate Support Executive Assistant)

Guests: Cr Adrian Weston (Mayor) – Ex-officio member

Items discussed at the meeting were:

- Adoption of Previous Minutes
- Annual Financial Statements and Performance Report
- Defined Benefit Superannuation (VBI) Update
- Revised Accounting Standards
- Internal Audit Report - Payroll
- Internal Audit Report - Contract Management
- Update of Outstanding Audit Actions Register
- Audit and Risk Committee Annual Report
- Protected Disclosures Procedure
- Audit and Risk Committee Work Plan
- Summary of Actions From Audit and Risk Committee
- Audit and Risk Committee Membership
- For Information
- Administration

In considering the Annual Financial Statements and Performance Statement along with the Draft Final Management Letter and Closing report, the Audit and Risk Committee has recommended Council consider the allocation of additional resources to advance the implementation and achievement of a work plan to satisfy the findings in the Draft Final Management Letter.

Refer to Attachment 8.6 for a copy of the Draft Minutes of 4 September 2019.

8. Issues and Risk Management

As this report is for noting, there are no applicable issues or risks outside of those noted in the Minutes.

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: Audit reviews and findings are a critical aspect in the implementation of appropriate governance within the organisation. Control risks are reviewed, identified and actions implemented ensuring organisational risk and exposure are minimised

10. Consultation

The Audit and Risk Committee includes three external people to provide a broad range of specialist skills and facilitates wider consultation and participation in Council's financial management, Governance and internal controls.

9. Councillor Reports

Cr Adrian Weston	
4 September	Audit and Risk Committee Meeting
4 -5 September	Murray River Group of Councils Meetings
9 September	Kow (Ghow) Swamp LOWMP Meeting
9 September	Kyabram P-12 College Council New Principals Meet and Greet
17 September	Citizenship Ceremony

Cr Daniel Mackrell	
22 August	Planning Information Session TPA334/2013.A (505 High Street Echuca)
11 September	Veolia Echuca MRF Open Day
17 September	Citizenship Ceremony
17 September	Planning Information Session - PLN150/2019 (12 Tyler Street Echuca)

Cr Kristen Munro	
22 August	Planning Information Session TPA334/2013.A (505 High Street Echuca)
22 August	Vivid - Book Launch - "Our Vivid History"
11 September	Echuca Moama Youth Expo "Bridging the Gap"
14 September	Sounds of Spring Community Performance
17 September	Citizenship Ceremony

Cr Vicki Neele	
21 August	Kyabram Scouts Meeting
22 August	Vivid - Book Launch - "Our Vivid History"
25 August	Echuca Moama Tourism CEO Meeting
26 August	Victoria Grants Commission Regional Information Session
28 August	EMDTA Board Meeting
28 August	Echuca Moama Apex Dinner
4 September	St Augustine's 20th Lone Pine Ceremony
5 September	Kyabram P12 College 22nd Lone Pine Ceremony
9 September	Kyabram P-12 College Council New Principals Meet and Greet
10 September	VEC Electoral Representation Review Public Information Session

Cr Neil Pankhurst	
22 August	Vivid - Book Launch - "Our Vivid History"
9 September	Kyabram P-12 College Council New Principals Meet and Greet
10 September	Wyuna Hall AGM
11 September	Veolia Echuca MRF Open Day
16 September	Ky One Voice Meeting
16 September	Girgarre Community Cottage AGM
17 September	Citizenship Ceremony

Cr Leanne Pentreath	
2 September	EMFM Radio
4 September	Audit and Risk Committee Meeting
13 September	Port Precinct Working Group Meeting
16 September	Gunbower and District Development Group Meeting
17 September	Citizenship Ceremony

Cr Annie Vickers	
26 August	Victoria Grants Commission Regional Information Session
30 August	Jacinta Price Warlpiri Woman - Mind the Gap
2 September	Echuca Justice Service Centre Official Opening
6 September	Foundry Arts Space Opening Night - Rimona Kedem Exhibition
10 September	VEC Electoral Representation Review Public Information Session
11 September	Echuca Moama Youth Expo "Bridging the Gap"
11 September	Veolia Echuca MRF Open Day
14 September	Sounds of Spring Community Performance
17 September	Citizenship Ceremony
17 September	Planning Information Session - PLN150/2019 (12 Tyler Street Echuca)

Cr Leigh Wilson	
21 August	GBGA Meeting
22 August	REDHS Afternoon Tea to Farewell Anne McEvoy
29 August	Rochester Mens Shed Meeting
30 August	Local Government Waste Forum
2 September	Victorian Government Waste Circular Economy Workshop
4 & 5 September	Telstra Vantage Conference & Exhibitor Showcase
9 September	Rochester Community House Meeting
11 September	Roundtable Discussion with Minister for Energy, Environment & Climate Change on Kerbside Reforms- Hume
12 September	Waste Risk Management Session
17 September	Citizenship Ceremony

Cr John Zobec	
4 September	Audit and Risk Committee Meeting
5 September	Kyabram P12 College 22nd Lone Pine Ceremony
9 September	Kyabram P-12 College Council New Principals Meet and Greet
13 September	Port Precinct Working Group Meeting
16 September	Ky One Voice Meeting
16 September	Girgarre Community Cottage AGM
17 September	Citizenship Ceremony

Recommendation

That the Councillor Reports be noted.

10. Acting Chief Executive Officer's Report

Activities and meetings attended since the previous Council meeting

- Echuca South Kindergarten celebrations for HESTA award nomination
- La Trobe University Leadership Dinner
- Meeting with Nestle representatives
- Kyabram Blue Light youth gym session
- Echuca Moama Bridge Project Key Stakeholder Liaison Group
- Port Precinct Working Group
- Citizenship Ceremony

Recommendation

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

11. Petitions and Letters

Nil

12. Notices of Motion

Nil

13. Urgent Business

Nil

14. Question Time

Recommendation

The meeting be adjourned for media and community liaison.

15. Closed Session of the Meeting to the Public

Recommendation

That pursuant to the provisions of the *Local Government Act 1989*, the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 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.

16. Confirmation of Confidential Minutes and Attachments

17. Confidential Council Information

18. Confidential Business

19. Confidential Council Meeting Close

20. Items Determined to be no Longer Confidential

21. Open Meeting to the Public

22. Close Meeting

Ray Burton

Acting Chief Executive Officer