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Agenda



For a meeting of the seventh Campaspe Shire Council to be held on Tuesday, 15 October 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

2. Confirmation of Minutes and Attachments

For the:

- Open section of the Council Meeting held on 17 September 2019
- The minutes of the Campaspe Briefing Session held on 3 September 2019
- The minutes of the Campaspe Briefing Session held on 10 September 2019
- The minutes of the Campaspe Briefing Session held on 17 September 2019

Recommendation

That the following minutes be confirmed:

- **Open section of the Council Meeting held on 17 September 2019**
- **The minutes of the Campaspe Briefing Session held on 3 September 2019**
- **The minutes of the Campaspe Briefing Session held on 10 September 2019**
- **The minutes of the Campaspe Briefing Session held on 17 September 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 – 554 High Street Echuca Vic 3564, PLN347/2018

ALLOCATED OFFICER:	Ally Wilkie, Planning Team Leader
RESPONSIBLE MANAGER:	Planning and Building Manager
APPLICATION NO:	PLN347/2018
DATE RECEIVED:	18 December 2018
APPLICANT:	The Deck Events Pty Ltd
PROPOSAL:	The sale and consumption of a general licence and increase in patron numbers (220 patrons) pursuant to Clause 52.27 Licensed Premises
SUBJECT SITE:	554 High Street ECHUCA VIC 3564
ZONING:	Commercial 1 Zone
OVERLAYS:	Heritage Overlay Schedule 1, Parking Overlay Schedule 1, Bushfire Management Overlay and Land Subject to Inundation Overlay
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	Clause 52.27
RESTRICTIVE COVENANTS ON THE TITLE?:	No
CURRENT USE AND DEVELOPMENT:	Restaurant
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:	No
OBJECTIONS:	Four (4)

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 a planning application where there are significant social, economic or environmental impacts.

5. Proposal

The application has been amended since it was originally submitted. The original application proposed to increase the hours of alcohol consumption to 2am and proposed an increase to 300 patrons.

The application was amended on 12 August 2019 in accordance with Section 57A of the Planning and Environment Act 1987 for the sale and consumption of a general licence and increase in patron numbers (220 patrons) pursuant to Clause 52.27 Licensed Premises as follows.

- Increase to 220 patrons from the current number of 168 patrons (under the current planning permit TPA369/2010 for the restaurant licence). The specific numbers for each area including external areas, court yard, balcony and alfresco have not been specified as part of the amendment.
- No change proposed to the hours of operation for the liquor licence (1am for any other day).
- Alter the category of license from a café/restaurant licence that requires the serving of alcohol to have tables and chairs to be placed in a position on the licensed premises for 75% of the patrons to a general licence.
- The proposal includes acoustic barriers in accordance with the Acoustic Report (addendum) prepared by Renzo Tonin and Associates dated 26 April 2019 which requires a 1.8m high barrier on the balcony and courtyard. Details regarding the specific acoustic measures have not been provided as part of the application. The acoustic report states that the barriers must have no gaps or holes and provided an example of a lattice or existing timber fence on portable planter boxes.
- The balcony requires changes to improve the structural quality of the balcony and bring it into compliance with BCA requirements in accordance with the Balcony' plan prepared by Durnthaler Design Consulting Engineers dated February 2019. The applicant has requested the works be exempt as repairs and routine maintenance under the Heritage Overlay.

As part of the application the following has also been provided:

- An Acoustic Report by prepared by Renzo Tonin & Associates dated 26 April 2019. This includes an addendum and red line plans for the location of acoustic barriers prepared by Design Pop Studio dated 8 May 2019.
- A Building Report prepared by a registered building surveyor dated 23 November 2018 outlining number of patrons that can be included within the building.

6. Subject Site and Locality

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

The subject site is located within the Old Echuca Township affected by the Heritage Overlay Schedule 1 (HO1) and is located within the Commercial 1 Zone located in the southern portion of the Old Echuca Township also referred to as the Echuca Port Precinct. The site currently contains the premises 'The Deck'.

The site contains a double storey building that is identified as being 'contributory' to the heritage precinct and is located on the corner of High and Radcliffe Street. The following is a description of the site in accordance with the Heritage Review – Part B Heritage Precincts:

"A two storeyed unenriched corner former hotel with rough cast walls, corner splay and narrow timber cantilevered balcony to both elevation. A later posted verandah faces High Street."

The surrounding context is as follows:

- To the north of the site is a retail premises within the Commercial 1 Zone. The building is double storey and contains a residence. The building is not identified as being contributory to the heritage significance of the precinct.

- To the east of the site is a laneway and beyond is Radcliffes containing a restaurant and function centre with a liquor licence till 1am any other day and maximum patron number of 400. The site is identified as being contributory to the Old Echuca Township.
 - To the south is vacant land within the Commercial 1 Zone and beyond is the Nirebo Motel. The site is located approximately 60m from the land and is not considered contributory to the Old Echuca Precinct.
 - To the west of the land, is High Street a declared main road, beyond is land within the Commercial 1 Zone currently being developed associated with five (5) retail premises approved as part of PLN202/2017.
-

7. Permit/Site History

The history of the site includes:

- TPA369/2010 Changes to liquor license, reduction of car parking requirement and signage in a heritage overlay. Was issued on 22 December 2010.

The planning permit included requirements such as Condition 3 Patron Management Plan and Condition 5 seating limit which requires no more than 168 patrons on the premises at the one time.
 - PLN073/2019 Building and works (fence) and Business Identification Signage in the Heritage Overlay Schedule 1 was issued on 22 March 2019
 - PLN251/2016 Business Identification Signage and Buildings and works (external painting and alteration to façade) in the Commercial 1 Zone and the Heritage Overlay Schedule 1 was issued.
-

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 signs on site.

The notification has been carried out correctly.

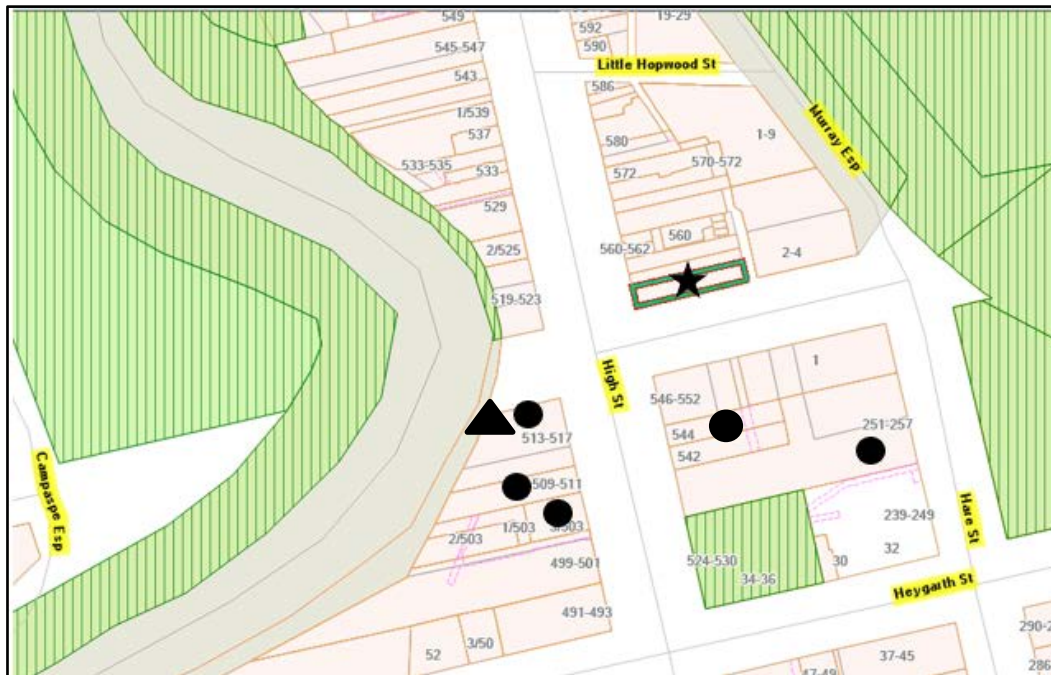
Council received four (4) objections to the application including a joint objection with 63 signatures.

The objections can be summarised as follows:

- Amenity including noise. An acoustic report was prepared by Marshall Day Acoustics dated 18 December 2018 was submitted as part of the application advising that the deck stating that the music exceeds the relevant legislation requiring mitigation measures to be carried out.
- Patron management including security and safety on the balcony and crowd control measures
- Vandalism
- Heritage impact
- Concerns regarding off-premises supply of alcohol
- Poor compliance history

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

Figure 1: Subject site and surrounds



Shire of Campaspe GIS 2019

Legend	
Subject Site	★
Objections	●
Withdrawn	▲

An objector is located outside of the defined map area.

9. Consultation

A consultation meeting was carried out on the 3 July 2019 at the Echuca Service Centre at 4pm. The consultation was attended by the applicant and two objectors. The concerns from the objectors were discussed, however, no resolution was made.

The applicant submitted to Council on 12 August 2019 an amended application (S57A) which now did not include a change to hours and decreased the number of patrons from 300 to 220. The amended application documentation was distributed to objectors and resulted in one (1) objection being withdrawn.

10. Referrals

The application has been referred to two (2) external authorities. 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
VCGLR	Clause 66 (determining)	No objection	No	No
Echuca Police	Section 52 (Notice)	No response	-	-

11. Assessment

Planning Policy Framework (PPF)

Clause 11.01-1R Settlement – Loddon Mallee North

- Support the continued development of commuter towns to provide affordable housing for commuters to Bendigo, Echuca and Shepparton.
- Provide a suitable range of commercial and industrial precincts in the regional city, regional centres and towns recognising each settlement's role in their community of interest, including cross-border and inter-regional access for economic development.

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

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

Clause 13.05-1S Noise Abatement - Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 15 - Built Environment and Heritage - All new land use and development should appropriately respond to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Quality built environments should be created that achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place;
- Reflects the particular characteristics, aspirations and cultural identity of the community;
- Enhances liveability, diversity, amenity and safety of the public realm;
- Promotes attractiveness of towns and cities within broader strategic contexts; and
- Minimises detrimental impact on neighbouring properties.

Clause 16 – Housing - Planning should provide for housing diversity, including affordable housing, and ensure the efficient provision of supporting infrastructure. New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Local Planning Policy Framework (LPPF)

Clause 21.01 Campaspe Shire Key Issues and Strategic Vision- There is an established hierarchy of urban centres within the municipality. Echuca is the largest centre within the Shire and is estimated to service a 70 kilometre radius.

Clause 21.07 Economic Development - Encourages development of commercial centres within the existing towns to provide with a comprehensive range of goods and services and to facilitate a vibrant and dynamic economic environment.

Clause 21.07-2 Commercial - Ensure the development of commercial centres within the existing towns to provide community with a comprehensive range of goods and services.

Relevant Objective

- To consolidate the development of commercial centres within existing towns.

Strategies

- Develop a commercial hierarchy for the shire based on Echuca as a regional centre.
- Accommodate new commercial development in (or abutting) existing commercial centres.
- Provide opportunities for growth that ensure that new development is integrated with, and does not fragment, existing commercial centres.

Clause 21.07-4 Tourism - The key tourism assets of the shire are based on the Murray River, the Port of Echuca, river boats, native forests, historic buildings, the Kyabram Fauna Park and local tourist attractions. The estimated annual turnover associated with the tourism industry is \$100 million, not including the multiplier effects associated with tourism activity. The tourism industry in the shire employs approximately 1,500 people. Council encourages the development of new tourist attractions and services throughout the shire.

Council supports rural based tourism that builds on existing tourism activities and takes advantage of the natural attributes of the region, such as the Murray River, the agricultural landscape and produce. The Echuca Heritage Precinct Master Plan has been adopted, which seeks to protect the heritage character of the port and environs. An area to the west of Echuca is included within the Rural Activity Zone, where accommodation uses such as bed and breakfast and farm stays are encouraged, and where recreational and leisure activities that complement existing uses such as boating, ecotourism and nature retreats will also be encouraged.

Clause 21.09-1 Echuca - Echuca is the largest centre in the shire with a population of about 12,280, although its catchment area is estimated to include 50,000 people within a 70km radius.

The town is an important commercial, industrial, community, recreational and transportation hub for northern Victoria and southern New South Wales. Echuca's commercial structure is dominated by retail and wholesale trade. The subject site is identified within the Clause 21.09-1 Echuca Town Structure Plan 1 - Echuca Central Map. The site is identified within the Port Heritage Precinct.

Commercial - Echuca's existing commercial centre is constrained by the historic area of the Port of Echuca to the north, the railway line to the east and the Campaspe River. Echuca's main commercial area is the Echuca CBD, which contains a mix of specialty retail, supermarket, office and restricted retail uses.

Zoning

Clause 34.01 Commercial 1 Zone (C1Z) – Creates vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

A permit to vary the liquor license is not triggered by the zone.

Overlays

Clause 43.01 Heritage Overlay (HO1) – Conserves and enhances heritage places of natural or cultural significance those elements which contribute to the significance of heritage places.

A permit is required for buildings and works but not to vary the liquor license.

Clause 44.04 Land Subject to Inundation Overlay (LSIO) – To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood and minimise flood damage.

A planning permit is not triggered by the overlay.

Clause 44.06 Bushfire Management Overlay (BMO) – Ensure that the development of land prioritises the protection of human life and strengthens and identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

A planning permit is not triggered by the overlay.

Clause 45.09 Parking Overlay (PO1) – Facilitates an appropriate provision of car parking spaces in an area and to identify areas and uses where local car parking rates apply.

The site is affected by Parking Overlay. The floor area is not proposed to increase as part of the application.

Relevant Particular Provisions

Clause 52.06 Car Parking – Ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activity on the land and the nature of the locality.

The application does not propose to increase the leasable floor area of the premises, therefore, a permit is not required under the provision.

Clause 52.27 Licenced Premises – Ensures that licensed premises are situated in appropriate locations and the impact of the licensed premises on the amenity of the surrounding area is considered.

A planning permit is required to vary the category of licence and increase the number of patrons allowed to be consumed or supplied alcohol under a licence pursuant to Clause 52.27.

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

Clause 73.03 Land Use Terms

The land use terms have been included as the variation to the licence would in effect allow the site to be used as a hotel, which is a Section 1 use in the Commercial 1 Zone.

Restaurant

Land used to prepare and sell food and drink, for consumption on the premises. It may include:

- a) *entertainment and dancing; and*
- b) *the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*

It does not include the sale of packaged liquor

Hotel

Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.

Relevant incorporated, reference or other documents

- *Echuca Heritage Precinct Master Plan, March 2000*
- *Practice Note 61 Licensed Premises: Assessing Cumulative Impact dated June 2015 prepared by the Department of Environment, Land, Water and Planning (DEWLP)*

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.

An important consideration as part of the assessment of the application is the previous history and current use of the site. The subject site previously operated as a restaurant formally known as Ceres and prior was known as La Vita (1996 till 2018). In accordance with Clause 73.03 the use of the land for a restaurant requires the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.

The current liquor license (License No. 32243086) requires the dominant activity carried out on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises. The serving of alcohol also requires tables and chairs to be placed in a position on the licensed premises for 75% of the patrons associated with the serving of alcohol. The current liquor license conditions stipulate the use to be a restaurant consistent with Clause 73.03 of the scheme.

The previous planning permit (TPA369/2010) requires no more than 168 patrons at one time being permitted on the site and was also issued on the basis that the land was being used for a restaurant. This included the requirement of a patron management plan endorsed as part of the planning permit which requires the use to be operated in accordance with the previous restaurant use.

Although the use of land in the Commercial 1 Zone for a 'hotel' is as of right (no permit required), the current conditions on the liquor license and previous history of the site confirms that the site has not evolved into a hotel contrary to the justification provided as part of the application. Rather based on the current conditions on the liquor license, the existing planning permit (TPA369/2010) and the endorsed patron management plan, the use on the site is required to be carried out as a restaurant use pursuant to Clause 73.03.

The use of the land can vary, even without Council consent, however the consideration of this application to vary the licence, if approved, could give rise to a change in use which may have unreasonable impact on the amenity of the area and the Port Precinct as a whole. These are important factors to consider when changing the category of licence and what could eventuate on-site.

Amenity (Visual and Noise)

The purpose of Clause 52.27 is to ensure that licensed premises are situated in appropriate locations and that the impact of the licensed premises on the amenity of the surrounding area has been considered.

It is proposed to alter the category of the license to a General Licence which authorises the licensee to supply for consumption on and off the licensed premises. The documentation submitted as part of the application states "*The premises has been used for a restaurant and more recently is being used in a manner that is more closely aligned with a hotel use*".

The nearest sensitive use is located to the north of the building being a private residence and approximately 60m to the south of the subject site, being the Nirebo Hotel. There is also other accommodation within a 100m radius of the site within the Commercial 1 Zone. Objections have been raised from the surrounding area including sensitive uses. The concerns in relation to amenity include; noise, safety, patron management and vandalism.

Clause 13 is to ensure that development is not prejudiced, and community amenity is not reduced by noise emissions. This is achieved by using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area. It is a requirement to consider State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises). This policy outlines best practice in relation to noise controls and has been considered as part of the application.

In an attempt to reduce the amenity, the application included an Acoustic Report prepared by Renzo Tonin & Associates dated 26 April 2019. To ensure compliance with SEPP N-2 noise levels the proposal requires moveable acoustic barriers with a height of 1.8m high on the balcony and courtyard. Specific details regarding the acoustic measures have not been provided as part of the application raising concerns regarding the design, style and impact on the significance of the heritage building.

The design response to address noise is relevant to this site, as it is part of the Heritage Overlay Schedule 1 (HO1) Old Echuca Township precinct. The precinct contains a number of heritage buildings which form part of the heritage significance of the area. The Port Precinct is identified as an entertainment hub and the surrounding uses consist of a mixture of retail premises including shops, food and drink premises, restaurants and hotels within the Commercial 1 Zone.

The subject site contains a double storey building that is identified as being 'contributory' to the heritage precinct and is located on the corner of High and Radcliffe Street. The following is a description of the site in accordance with the Heritage Review – Part B Heritage Precincts: *"A two storeyed unenriched corner former hotel with rough cast walls, corner splay and narrow timber cantilevered balcony to both elevation(s). A later posted verandah faces High Street."*

The acoustic barriers to address noise, raise concerns regarding the visual impact on the contributory building but also on the wider Old Echuca Township heritage precinct. The location of the building is situated on a corner site with frontage to two streets. The barriers will be highly visible, impacting on the streetscape and the important elements of the building. The building is particularly significant due to its rough cast walls, corner splay and narrow timber cantilevered balcony to both elevations. The location of the solid barriers as part of balcony is inappropriate and a poor design technique contrary to the significance of the building.

The issues associated with noise are also exacerbated by the design of the building, especially to the rear along Radcliffe Street. The addition to the rear is rather temporary in appearance with many penetrations and is constructed of lightweight materials. The 'open' nature of the form and courtyard with screens/blinds that can be opened on Radcliffe Street illustrates that the building has not been designed to accommodate or operate as a late-night venue (up to 1am). The measures required as part of the acoustic assessment to control noise including a moveable barrier with a height of 1.8m in part illustrates that permitting a general licence with increase patrons will result in unreasonable off-site amenity impacts through noise. The requirement to also manage and maintain the moveable structures on a daily basis (and while the premises is operating) to ensure compliance with SEPP N-2 is not considered a suitable design outcome.

It is recognised that within the Port Precinct there are many existing hotels and other late-night venues. However, in general none of these facilities are required to erect external noise barriers and are generally buildings which have been constructed and used for that purpose since inception (designed to achieve best practice). Compared to other licensed premises within the Port Precinct, the location of the building, the lightweight extended built form and the numerous penetrations (with greater ability to 'open-up' the structure); will result in unreasonable amenity impacts through noise.

The acoustic report outlines other measures to ensure compliance with SEPP-N2, which include operating the function space (see plans) at background music levels during the night, or on Fridays and Saturdays, closing the balcony door and managing music noise from DJ speakers. The details within the acoustic report have not been included within the patron management and security plans. Although these could be addressed through conditions, the on-going management and Councils responsibility for ensuring compliance illustrates the poor design response. This concern was also expressed within an objection, illustrating that the type of licence based for this specific building is unreasonable given the design measures required to ensure compliance.

Patron Management Plan

As part of the application a patron management was submitted. The plan addresses management of crowd control including numbers, control of numbers, noise, amenity management, security and management of patron behaviour including intoxication. It is noted that details regarding the sale of take away liquor has not been included as part of the application nor has the document been updated to reflect the current proposal.

The management plan considers the existing areas of the subject site including the courtyard and surrounding area, first floor and balcony. In support of the increase in the number of patrons a Building Report prepared by a registered building surveyor dated 23 November 2018 was submitted. The report identifies 565 patrons across the site could be accommodated based on area, however there are insufficient toilet facilities. When considering toilet facilities, the maximum permissible is 300 patrons. Although the application has reduced the

number of patrons to 220, this is still an increase of 52 patrons. (168 patrons permitted under TPA369/2010). Details regarding dispersal of numbers externally including balcony and internally within the site has not been addressed. This raises concerns based on the built form of the building and how patrons will be managed to address noise.

The applicant has requested that the patron numbers not be limited externally, however the acoustic report requires this to be limited. The acoustic report requires the portable acoustic measures and limiting outdoor patrons to 142 at night. This is sought to be achieved by closing the alfresco (footpath) area. Irrespective of the Building Report and applicants request, to ensure compliance with the acoustic report, a condition would have to limit patron numbers (externally and internally).

Cumulative impacts

The clustering of licensed premises may lead to a negative impact even though any given venue in the cluster may be well run and have minimal impact. An area might reach a 'saturation point' where an additional licensed premise or a particular type of licensed premise is likely to impact negatively on the surrounding area.

To determine whether a 'cluster' of licensed premises exists any determination needs to consider the number of licensed premises in an area, their distance from the subject land and whether they can be easily accessed from the subject land. Within 100m radius of the site there is approximately nine (9) existing liquor licenses including a venue (American Hotel) with a capacity of 600 patrons with a license until 3am.

In the wider area it is acknowledged that other licensed premises have extended hours of operation. Other licences include the American Hotel which is open to 3am, Gypsy Bar 1am, Radcliffes 1am, Echuca Hotel 3am, Shamrock Hotel 2am, OPT (nightclub) 4am, and Echuca Star Bar 1am, all located within a 500m radius of the subject site. The hours of operation up until 1am for this premise is relatively similar to other venues, giving rise to consideration of patron dispersal.

It is readily accepted that late-night trading hours for licensed premises have been associated with increased harm including violence. Licensed premises open after 11pm are considered a greater risk to the surrounding area. Reduced trading hours may therefore reduce the risks of late-night alcohol-related harm.

The proposal will result in an increase number of patrons dispersing within the area increasing issues of amenity on sensitive uses and creating negative cumulative impacts within the area a concern raised by objectors.

The existing licence is in association with a restaurant, as the intent was to create a mix of venues and create a positive local identity within a tourist destination. Clause 22.04 Port of Echuca Heritage Policy has objectives such as *"to create a multi-layered tourism experience, including activities specific to the particular attractions and features of Echuca and the region"* and *"to consolidate the port precinct as a well serviced tourism centre including alternative accommodation types and improved entertainment and services"*. The policy is seeking to create a positive cumulative impact through variation in entertainment venues and consumer choice.

When considering this general licence as outlined above, there are seven late night premises (1am+) within 500m of the subject site, for a town with a normal population of approx. 14,000 (not including Moama). Varying the licence would permit another premise to be used in a similar fashion to the others, minimising variety within the Port Precinct and creating a cluster of late-night drinking venue (negative cumulative impact).

Other matters

The application was originally referred to VCGLR in accordance with Clause 66 and the Echuca Police were notified in accordance with Section 52 of the *Planning and Environment Act 1987*, as the original application proposed hours up to 3am. No change is now proposed to the hours and therefore the responses do not need to be considered.

It is however noted that previous infringements have been issued by Police on the site, relating to the supply of liquor other than in accordance with its existing license. The previous non-compliance in relation to the operation of the premises raises concerns regarding on-going complaints and Council enforcement.

The balcony requires minor repairs to improve the structural quality of the balcony and bring it into compliance with BCA requirements to achieve the 5Kpa as required by the Building Regulations 2018 and the Building

Code of Australia. The applicant has requested these works be carried out in accordance with repairs and routine maintenance.

13. Conclusion

It is recommended that the application be refused when considering the proposed change to the category of license (café/restaurant to general license), increase in patron numbers, amenity impacts (noise and visual) and the negative cumulative impact within the Port Precinct

The subject site has an existing restaurant licence which is appropriate when considering the location of the building, the existing built form and the required acoustic treatments to ensure compliance with the relevant State requirements. The application as proposed is inappropriate and will result in unreasonable cumulative and amenity impacts contrary to Clause 52.27 of the planning scheme.

14. Recommendation

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

- **Having caused notice of Planning Application No. PLN347/2018 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

That Council having caused notice of Planning Application No. PLN347/2018 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 Clause 52.27 of the Campaspe Planning Scheme in respect of the land known as Vol. 04189 Fol. 770 and described as 554 High Street, Echuca, for the The sale and consumption of a general license and increase in patron numbers (220 patrons) pursuant to Clause 52.27 Licensed Premises, with the application dated 18 December 2018.

For the following reasons:

- 1. The proposal is contrary to the decision guidelines of Clause 52.27 Licensed Premises.**
- 2. The proposed variation to the liquor licence will cause unreasonable amenity impact on the surrounding area.**
- 3. The proposal will result in a negative cumulative impact contrary to Practice Note 61 Licensed Premises.**
- 4. The proposal is contrary to proper and orderly planning and will result in unreasonable visual impacts to a contributory building with the Old Echuca Township Precinct (HO1).**
- 5. The proposal will result in a cluster of similar licences, creating a negative cumulative impact contrary to the objectives of the Campaspe Planning Scheme.**

6. Planning Authority Decisions

Nil

7. Council Decisions

7.1. Council Plan Review

Author:

Andrew Cowin, Corporate Strategy Manager

Attachments:

7.1 2017-2021 Council Plan (incorporating the Municipal Public Health and Wellbeing Plan)

1. Purpose

To affirm that the current adopted Council Plan 2017-2021 (incorporating the Municipal Public Health and Wellbeing Plan) remains appropriate for the remaining period of the Council Plan, or until it is replaced with a new Council Plan.

2. Recommendation

That Council:

1. **Having reviewed the Council Plan 2017-2021 (incorporating the Municipal Public Health and Wellbeing Plan) in accordance with Section 125(7) of the *Local Government Act 1989* and Section 26(4) of the *Public Health and Wellbeing Act 2008* determines that the Plan remains appropriate for the remaining period of the Council Plan, or until it is replaced with a new Council Plan.**
 2. **Authorise the Mayor to advise the Minister for Local Government and the Secretary of the Department of Health that the Council has reviewed and determined that the Council Plan (incorporating the Municipal Public Health and Wellbeing Plan) remains appropriate.**
-

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 has four key strategic planning documents which are subject to review, these documents are:

- Council Plan
-

- Strategic Resource Plan
- Municipal Health and Wellbeing Plan
- Municipal Strategic Statement

The *Local Government Act 1989* requires the Council Plan to be reviewed at least once in each financial year. The *Public Health and Wellbeing Act 2008* requires the Municipal Health and Wellbeing Plan to be similarly reviewed. The *Planning and Environment Act 1987* requires the Municipal Strategic Statement to be reviewed every four years following the development of the Council Plan.

The 2017-21 Council Plan (the Plan) is Council's key strategic document for the term of the Council. The Plan reflects the outcomes of stakeholder and community engagement. The Plan describes Council's strategic objectives, strategies for achieving the objectives and how the outcomes will be measured.

The purpose of the review of the Plan, is to confirm if the strategic objectives, strategies and key indicators contained within the Plan remain appropriate for the remaining period of the Plan.

The Plan was adopted on 6 June 2017 this is the third review.

7. Content

Supporting implementation of the Plan are key initiatives and actions funded each year through the Budget. The progress on the implementation of these initiatives is presented to Council quarterly.

In preparation for the development of the 2019/20 Budget, Council reflected upon their desired achievements and outcomes expressed at the beginning of the term of Council. In particular how these align to the work of the organisation and if anything has significantly changed within the environment that would require a redirection of the Plan.

The process affirmed that there remains a number of actions that could be investigated to address emerging issues, these are able to be accommodated within the current vision and strategic objectives of the Plan.

The review also asked Councillors to commence identifying initiatives which would further support implementation of their desires and address key issues impacting the community. Those initiatives may be setting a direction (i.e. strategy or policy) or capital works. The initiatives identified by councillors will then be considered in the 2020/21 Budget development process and if successfully funded pursued within the 2020/21 year, the last year of the current Council Plan.

8. Issues and Risk Management

Issues:

The Plan outlines some of the key challenges that are facing not only Campaspe but also many other rural and regional communities.

An enduring issue is water security for the agricultural sector, in particular future access to water in a changing climate and potentially higher water prices impacting on competitiveness.

Other key challenges include:

- High costs of inputs for industry (energy and water)
- Renewal of community facilities
- An ageing population
- Engagement of young people
- Substance abuse issues

- Family violence
- Availability of regional education and training
- Cross-border issues

These challenges continue to impact our communities. The existing Plan includes objectives and supporting initiatives which seeks to address these challenges.

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: Affirm the reviewed Council Plan 2017-2021 (incorporating the Municipal Public Health and Wellbeing Plan) for the remaining period of the Plan, or until it is replaced with a new Council Plan

This option is recommended by officers.

The Plan as presented was developed involving extensive community engagement. It seeks to capture and represent the aspirations of the Campaspe community and deliver Council's vision. Affirming that the Plan remains current will fulfil Council's obligations under the *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*.

Option 2: Do not affirm the reviewed Council Plan 2017-2021 (incorporating the Municipal Public Health and Wellbeing Plan) for the remaining period of the Plan, or until it is replaced with a new Council Plan

This option is not recommended by officers.

The annual review of the Plan is a requirement of the Local Government Act. Council must affirm a Council Plan no later than the 30 June as prescribed by the *Local Government Act 1989* and *Public Health and Wellbeing Act 2008*. Not adopting this Plan would result in Council failing to meet its obligations under the Act.

10. Strategic Planning Environments

Strong and Engaged Communities	The review affirms the adopted Strong and Engaged Communities Strategic Objective remain appropriate.
Resilient Economy	The review affirms the adopted Resilient Economy Strategic Objective remain appropriate.
Healthy Environment	The review affirms the adopted Healthy Environment Strategic Objective remain appropriate.
Balanced Services and Infrastructure	The review affirms the adopted Balanced Services and Infrastructure Strategic Objective remain appropriate.
Responsible Management	The review affirms the adopted Responsible Management Strategic Objectives remain appropriate.

11. Consultation

The review of the Plan was undertaken as the first step in the development of the draft 2020/21 Budget.

7.2. Call for Action - Murray Darling Basin Plan and Water Management Position Paper

Author:

Andrew Cowin, Corporate Strategy Manager

Attachments:

7.2 Call for Action, Murray Darling Basin Plan and Water Management - Position Paper

1. Purpose

To seek Council's endorsement of the document *Call for Action, Murray Darling Basin Plan and Water Management – Position Paper*.

2. Recommendation

That Council:

- 1. Affirm its support for a holistic approach to water management and a desire to see balanced outcomes and a sustainable Basin.**
 - 2. Endorse the *Call for Action, Murray Darling Basin Plan and Water Management – Position Paper* and call on the Australian Commonwealth Government and the Murray Darling Basin Authority to act.**
 - 3. Note that the Position Paper will be made available to the public via Council's website and will be used to advise governments and decision-makers of Council's key asks in relation to water for a sustainable Basin.**
 - 4. Request that copies of the Position Paper be forwarded to relevant State and Federal political representatives whose electorates or interests include Campaspe, or whose portfolios are relevant to the priority issue.**
 - 5. Note that officers will develop an action plan to coordinate the organisation's response in pursuit of Council's advocacy on water.**
-

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

Throughout the development of the Murray Darling Basin Plan (the Plan) and its implementation at every opportunity Council has sought to lobby on behalf of the community. Council have remained consistent in seeking a holistic approach to water management and a desire for balanced outcomes and a sustainable Basin. As a principle, this means aspiring to achieve across-the-board benefits for all stakeholders in the Basin, translating to social, economic and environmental gains. This long held position still remains.

7. Content

Our economy is underwritten by agricultural production for which water plays a significant role. It is central to the shire's success as a producer of diverse foods and fibres, with the micro-economies of the municipality's towns and communities highly dependent upon a reliable supply of irrigation water. Aboriginal people in our community and across the Murray Darling Basin recognise and hold water as an intricate part of the landscape and that it holds vast social, cultural and economic importance; its value is intangible.

It is acknowledged that the management of water resources in the Basin are extraordinarily complex, involving different regimes in the four states through which the Murray and Darling rivers and their tributaries flow.

In times of plenty, all water entitlements can be taken up to sustain human life and for agricultural production, and enough water remains to keep our rivers and streams flowing and delivering a healthy environment for the Murray Darling Basin.

However, it is generally accepted that water resources of the Murray Darling Basin have, to varying degrees across the Basin, been over used and under regulated, particularly in the northern Basin. This has become most obvious during times of low rainfall and drought.

It is important that action be taken now to curve this impact and right the balance. In support of this the position paper calls on the Australian Commonwealth Government and the Murray Darling Basin Authority to:

- Increased Commonwealth investment to:
 - preserve and enhance our regions capacity to sustain food and fibre production, and
 - enable new and enduring economic activity and economic diversificationto mitigate the long-term negative impacts of the Plan.
 - Amend the legislative restrictions on the Commonwealth Environmental Water Holder to enable trade on the temporary water market and that the proceeds of trade be re-invested in infrastructure and improved water efficiency measures.
 - Implement mechanism which supports increased transparency in the water market through providing real-time information on water price and amount of water available.
 - Review the operating model of the Commonwealth Environmental Water Holder such that it operates in a manner complementary to Australian agriculture (and hence the national economy).
 - Guarantee that water buybacks from the consumptive pool will not be resumed.
 - Abandon the recovery of any further efficiency measures above the 2750GL, given that any further recovery of water for the environment cannot be achieved without negative impacts on our regional economy and the social fabric of our communities.
 - We seek greater reporting on the effectiveness of environmental watering programs and that this be supported by public information campaigns to inform all basin communities of the outcomes of environmental waters.
 - Implement a mechanism to ensure that all three states that abut the Murray downstream of the Barmah Choke act responsibly and in the allocation of water.
-

- Regulate the Murray and Darling delivery system to guard against the indiscriminate issuing of water licenses.
 - A guarantee that funding and support is available to the States to properly develop and implement SDLAM projects and a deadline that is more flexible to ensure that the target is achieved.
 - Commonwealth and State Governments to support communities found to have been impacted as a consequence of the Plan.
-

8. Issues and Risk Management

Issues:

Issue 1: Campaspe Economy

The economy is underwritten by agricultural production for which water plays a significant role. Reduced availability of water in this region would significantly impact our community both directly and non-directly. It is critical that Council takes a role and calls for action and change.

Issue 2: Environmental Outcomes

There has been significant publicity and community concern across the Basin in response to a number of high profile, disastrous environmental incidents. Increasing incidences of blackwater events and fish kills, as well as extended periods of high river levels causing significant bank erosion, loss of vegetation and destruction to fish habitat. Without a review of the Plan and a more holistic balanced approach benefits beyond those obtainable through water regulation and recovery alone cannot be achieved. The current arrangements and application of environmental water use is questionable.

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: Remaining Silent

That Council not endorse the position paper presented and remains silent on the issues and concerns expressed by our community surrounding the Murray Darling Basin Plan and the over use and under regulation of water particularly in the northern Basin.

Water is a significant driver in our local economy and it is critical that Council holds a position and lobbies on behalf of the community for a balanced outcome. Not endorsing this paper and remaining silent fails to demonstrate leadership on this important issue.

This option is not recommended by officers.

Option 2: Endorse the Position Paper

Advocacy is about stepping up and speaking out on important issues on behalf of Campaspe residents, ratepayers and businesses. We do this to seek positive outcomes from decision makers on important issues. Water is a significant driver in our local economy and it is critical that Council holds and speak up in the interests of our community.

This option is recommended by officers.

10. Strategic Planning Environments

Strong and Engaged Communities	Advocacy is a key priority of Council. Speaking out on issues that impact our community's health and wellbeing such as water is a key role of local government.
Resilient Economy	Our economy is underpinned by agriculture. Water plays a significant role in its viability and success in our region. Having a balanced Plan that supports the economic growth and well as the environment is critical.
Healthy Environment	Supporting this position paper is calling for a balanced Plan which supports the creation of a healthier environment for current and future generation.
Balanced Services and Infrastructure	Advocacy is a key priority of Council. <i>Strategy #2 Plan and advocate for services and infrastructure to meet community need.</i> Speaking out on issues that impact our community is a key role of local government.
Responsible Management	Endorsing this position paper will support Council role in advocacy on this important issue. Speaking out on issues that impact our community' such as water to decision makers is a key role of local government.

11. Consultation

Councillors:

- Council Briefing Session 8 October 2019. Briefings with Councillors to review and define the calls for action.

7.3. Echuca Moama and District Tourism Association (EMDTA) Service Level Agreements – Destination Marketing and Visitors Services

Author:

Jemima Lewis, Tourism Development Officer

Responsible Manager:

Investment Attraction Manager

Attachments:

7.3.1. Service Level Agreement for Destination Marketing 1 July 2019 – 30 June 2022

7.3.2. Service Level Agreement for Visitor Services 1 July 2019 – 30 June 2021

1. Purpose

To seek Council's approval to enter into a Service Level Agreement with Echuca Moama and District Tourism Association (EMDTA) for the delivery of Destination Marketing for the period 1 July 2019 to 30 June 2022.

To seek Council's approval to enter into a Service Level Agreement with Echuca Moama and District Tourism Association (EMDTA) for the delivery of Visitor Services for the period 1 July 2019 to 30 June 2021.

2. Recommendation

That Council authorise the Chief Executive Officer to sign the two Service Level Agreements for Destination Marketing and Visitor Services with Echuca Moama and District Tourism Association.

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

6. Background

Campaspe Shire Council contribute funds to support Echuca Moama and District Tourism Association (EMDTA) to achieve the objectives outlined in the accompanying Service Level Agreements (SLA) in two specific areas:

- Destination Marketing
-

- Visitor Servicing

The aim of the SLAs for Destination Marketing is for EMDTA to provide marketing services for Echuca Moama and the other towns in Campaspe Shire.

The aim of the service level agreement for Visitor Servicing is to provide information and ticketing for Echuca Moama businesses and those operating outside of Echuca in Campaspe Shire.

Council acknowledges that EMDTA are a membership based organisation and that Council is not the only funding provider to EMDTA.

On some occasions the existing service level agreements have been found to be ambiguous for both parties, which has resulted in varying levels of misinterpretation.

Examples include:

- No agreed definition of what constitutes marketing activities.
- What constitutes marketing of the towns in the municipality outside of Echuca and definition of what is considered reasonable.
- No confirmation of the source for CPI and the date of its calculation.

Both SLAs have been amended to be more specific and measurable. The reporting guidelines have been streamlined and contain specific, measurable, realistic and timely key performance indicators.

It should be noted that prior to 2016 the Destination Marketing and Visitor Servicing service level agreements were combined in a single SLA, and in 2016 they were separated into separate agreements.

7. Content

The proposed Service Level Agreements outlining responsibilities and obligations between EMDTA and Council in relation to destination marketing services and visitor servicing are attached to this report for Council's consideration.

As a result of these Agreements, it is recommended that Council will contribute the following funds to EMDTA in the 2019 – 2020 financial year:

- \$89,263 for destination marketing (plus GST)
- \$235,534 for visitor servicing (plus GST)

The amounts will increase by 2% annually. The 2% increase is in lieu of CPI adjustments and will simplify the arrangement going forward.

Council and EMDTA have agreed definitions for marketing activities and visitor servicing and these have been within the respective Agreements.

Within the Visitor Servicing Agreement, Council have negotiated with EMDTA to conduct an annual survey of operators and community members to evaluate dispersal of visitors, marketing activities, information sharing and other promotion activities. Council has agreed it will produce the survey. EMDTA will distribute, and Council will collate and present the findings, with the intention that responses will help shape future tourism actions for both parties.

There are currently multiple State Government and Regional Tourism Board reviews in progress to analyse and enhance visitor servicing. These project findings will impact regional tourism activities. As a result, the visitor servicing agreement with EMDTA has been reduced to a two year term to allow for review findings to be implemented, and visitor servicing activities improved across the region and state. The destination marketing agreement remains a three year term.

The Echuca Moama Visitor Information Centre is housed in the former Echuca Pump House under a Crown peppercorn lease. EMDTA currently sub-lease part of the building to the Murray Regional Tourism Board (MRTB). EMDTA agree to demonstrate in their annual report and budgets how this income contributes to visitor servicing.

To ensure all towns in Campaspe Shire benefit from marketing activities, EMDTA are now required to demonstrate that at least 10% of Council contributed funds are spent on promotion of towns, events, attractions and opportunities outside of Echuca Moama. Council acknowledge that a reasonable portion of the allocation may be attributed to staff time preparing content, liaison, organisation and application.

EMDTA are a membership-based organisation. Members are offered benefits that are not available to non-members such as listing on the EMDTA website, brochures displayed at the visitor information centre, promotion on social media and access to networking events. Members are also offered the opportunity to take part in subsidised collaborative cooperative marketing opportunities such as printed advertisements and participation in expos.

As part of the SLA, EMDTA must now demonstrate to Council that they are delivering benefit across the municipality in both marketing and visitor servicing, regardless of membership of EMDTA.

It is important that all reports produced by EMDTA for Council include details about all activities and related spend. For collaborative marketing opportunities and/or visitor servicing activities, the cost breakdown must include all revenue contributed by other participants to ensure that Council is provided with a true cost to EMDTA.

Reporting requirements for quarterly invoice payment has been marginally simplified. An annual business plan for visitor servicing and annual marketing plan, with proposed budgets, is to be provided in each year. The end of year reporting, activities versus plans and budgets versus true costs will be supplied on 1 November.

At the request of EMDTA, quarterly reports will continue be submitted in line with invoice payment to be paid in advance. These reports are to be simple, no more than one page, summarising the seasonal campaign activity and results.

The EMDTA CEO and Chair have agreed to amend the monthly EMDTA Board reports will include marketing activity and basic costs to include greater detail and alignment with the monthly financials to alleviate the need for extensive quarterly reporting to Council.

There are no other major material changes from the existing agreement to the proposed agreement.

8. Issues and Risk Management

Issues:

Issue 1: Changes to the visitor servicing model

Due to changes in the way consumers' access information and organise their travel plans, the need for visitors to physically access visitor information centres has reduced over the past decade. These changes have resulted in a decrease in attendance numbers at visitor information centres. The decrease in numbers has been certified through statistics and industry research and data. The Victorian State Government through Visit Victoria have undertaken a review of visitor servicing and the best delivery model to inform future funding and to assist the industry to transition into the future. MRTB are also working on a Visitor Transformation Project which considers how consumers are accessing information and the tailored messaging required to reach priority audience, and consequently the model that Murray LGAs should adopt in the future.

Issue 2: Reporting

In the last few years EMDTA have had difficulty in satisfying Council's Service Level Agreement (SLA) requirements in a timely manner. On a number of occasions, clarification has been sought regarding incomplete information and Council Officers have had to follow up the EMDTA CEO. During the period of the existing SLA there was a change of CEO at EMDTA and a change in Tourism Development Officer at Council which contributed to the delays and understanding of the SLA requirements. The ambiguity in the SLA's also

caused confusion and delays. Discrepancies between financial figures published by EMDTA and supplied to Council were also identified.

Risk Management:

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

9. Options

Option 1: Council agrees to enter into the attached service level agreements (2) with EMDTA for the provision of destination marketing and visitor services and the subsequent funding allocation

This option is recommended by officers.

Option 2: Council does not agree to enter into the service level agreements (2) with EMDTA for the provision of destination marketing and visitor services and subsequent funding allocation

This option is not recommended by officers.

10. Strategic Planning Environments

Strong and Engaged Communities:	Tourism creates enhanced economic development opportunities alongside social and entertainment opportunities for community members.
Resilient Economy:	Marketing of Echuca Moama and other towns within the municipality, combined with visitor servicing and dispersal will enhance resilience and economic sustainability for the area.
Healthy Environment:	No impact
Balanced Services and Infrastructure:	No impact
Responsible Management:	The revised agreements require more defined reporting which will make it easier to evaluate and alleviate any ambiguity.

11. Consultation

Internal Consultation:

- Acting CEO
- General Manager – Economic and Community Development
- Councillors at the 14 May, 4 June and 2 October 2019 Council Briefing Sessions

External Consultation:

- Echuca Moama District Tourism Association (EMDTA) CEO, Kathryn McKenzie and/or Board Chair, Dick Phillips in person on 14 January, 31 January, 7 February, 25 February, 13 March, 3 April, 27 May, 3 June, 11 July, 22 July, 31 July, 17 September 2019. Email correspondence and phone call follow up on numerous occasions.

12. Officer Comment

Tourism is an important economic driver and large employer in Campaspe Shire. Whilst Echuca Moama is the 'hero' of the brand, it is important to acknowledge that Campaspe Shire expect the benefit of EMDTA's SLA's for both Marketing and Visitor Servicing, deliver benefit beyond Echuca.

7.4. Community Planning Implementation Fund

Author:

Sam Campi, Community Engagement Manager

1. Purpose

To seek approval from Council for the allocation of Community Planning Implementation Funds (CPIF) to local communities for a range of projects and activities as articulated in this report.

2. Recommendation

That Council approve the allocation of Community Planning Implementation funds for the following community's projects:

- 1. Gunbower (\$12,967 total)**
 - a) Two split air-conditioning systems in Gunbower Hall \$7,678**
 - b) Mural project \$5,289**
- 2. Lockington (\$8,723 Total):**
 - a) Lockington Recreation reserve lighting \$8,000**
 - b) Restoration of traveller's hut at Lockington & Living Heritage Complex \$724**
- 3. Stanhope (\$14,979 Total)**
 - a) Stanhope Place Based Plan Activation \$14,979**
- 4. Colbinabbin (\$15,493 Total)**
 - a) Place Based Plan Development \$7,000**
 - b) Colbinabbin Place Based Plan Activation \$8,493**
- 5. Kyabram (\$11,225 Total)**
 - a) Goulburn Valley Water Tank Mural \$8,225**
 - b) Ky Cannery compressor restoration \$3,000**
- 6. Tongala (\$40,708 total)**
 - a) Town Hall chairs \$1,990**
 - a) Town map \$3,700**
 - b) Funds transfer to:**
 - i. Kyvalley \$5,000 War memorial project**
 - ii. Koyuga \$5,000 Business Plan activation**
 - c) Tongala Place Base Planning Activation \$25,018**

7. Corop (\$5,288 Total)

- a) **Community Centre Storage Shed and LED Lighting \$4,700**
- b) **Defibrillator \$588**

8. Koyuga (\$10,818 Total)

- a) **Koyuga Hall Business Plan Activation \$10,818**
-

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

6. Background

Council's Community Planning Implementation Fund (CPIF) program concluded in 2018 with the Ca Council adopting a Place Based Planning methodology for community planning and engagement. The program had provided 16 communities with allocated funds on an annual per capita basis. Rushworth, Echuca, Girgarre, Rochester, Wyuna, KY Valley, Nanneella, and Torrumbarry have all expended the allocated funds.

Currently there are eight communities with funds to be expended. These are Colbinabbin, Corop, Gunbower, Koyuga, Kyabram, Lockington, Stanhope and Tongala. These communities have developed projects or articulated a priority to direct allocated funds into Place Based Planning Activation. Below is a summary of each community's final proposal.

Gunbower (\$12,967 remaining funds)

The Gunbower community seeks the following projects to be funded:

- Purchase two split air-conditioning system for the Gunbower Hall at a cost of \$7,678. The Hall Committee has been seeking funds to replace the old heating system. The installation of these new split systems will complete the upgrade of heating and cooling in this community facility and ensure increased efficiency, saving the community significant costs into the future.
- Gunbower Lions Park Toilets Mural project at a cost of \$5,289. The mosaic mural proposed at the Gunbower Lions Park toilets is a significant part of the overall Lions Park redevelopment, a project presented to Council previously and seen as a high priority by the community. This process will follow Council's newly developed process for approving art images on Council facilities.

Lockington (\$8,723 remaining funds)

The Lockington Community Planning Group determined to finalise its allocation of \$8,723 for the following:

- Upgrade of the lights at the Recreation Reserve at a cost of \$8,000. The Lockington Recreation Reserve has approval from Council's Recreation team. The maintenance of the lights is the responsibility of the Committee.
-

- The restoration of a traveller's hut for the Lockington & Living Heritage Complex at a cost of \$723

Stanhope (\$14,984 Total)

The Stanhope community seeks the following projects to be funded:

- Stanhope Place Based Plan Activation \$14,984, with the finalisation of the Stanhope Place Based Plan due prior to the end of the 2019 calendar year; these funds will support the Community and Council to activate key projects identified in the Stanhope plan.

Colbinabbin (\$15,493 remaining funds)

The Colbinabbin community seeks the following projects to be funded:

- \$7,000 for the engagement of a consultant to develop an engagement strategy with Campaspe Shire Council and the initiation of a Place Based Plan for Colbinabbin.
- Allocate remaining \$8,493 to the Colbinabbin Place Based Plan for project activation

Kyabram (\$11,225 remaining funds)

The Kyabram community seeks the following projects to be funded:

- Goulburn Valley Water Tank Mural at a cost of \$8,225 is a community project that has taken a significant period of time to progress. Council has been working with the Community group to finalise and obtain GV Water approval for the project to progress.
- The restoration of the Kyabram Cannery compressor at a cost of \$3,000 is community project designed to celebrate the proud fruit canning history of Kyabram. Once restored the community group will work with Council and other key stakeholders on the location for its ongoing display in the Kyabram community.

Tongala (\$40,708 funds remaining)

The Tongala Planning group is seeking approval for the following.

- Ten new universal access hall chairs at a cost of \$1,990 that are suitable for members of the community with mobility issues.
- New town map at a cost of \$3,700 which includes design and installation of wall map to be located at the main toilet block at Tongala.
- Redirect \$5,000 to Kyvalley (War Memorial Project) and \$5000 Koyuga (Hall Business Plan activation) respectively. These two communities were initially part of the Tongala catchment when the initial planning was undertaken, and it has been agreed by all parties that this is a fair and equitable redistribution of these funds.
- The remaining funds totalling \$25,018 to be used for future Place Based Planning and street activation. Considering the current circumstances with Nestlé's pending closure this is a sound future use of the funds.

Corop (\$5,288 remaining funds)

The Corop community seeks the following projects to be funded:

- A new storage shed at the cost of \$4,000 at the Community Centre which will include LED lighting (\$700) and
- Part funding towards a defibrillator (\$588) to be located at the Community Centre

Koyuga (\$10,818 Total)

The Koyuga community seeks the following projects to be funded:

- Koyuga Hall Business Plan Activation at a cost of \$10,818. This includes activities such as curtain upgrades, new websites and activities to increase activation of the facility and community connectedness.

This will finalise the CPIF program with all funds expended or committed by the community in partnership with Council.

7. Issues and Risk Management**Issues:****Issue 1: Delay in finalising the allocation of funds**

The length of time required to finalise the fund is a reflection of the difficulty this process presented to Council and the Community. The adoption of Place Based Planning processes will overcome these delays and provide a better environment for activating Campaspe's communities.

Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Misappropriation of funds	Possible	Minor	Low	Council to secure acquittals of project as part of funding arrangement
Scope of projects changing	Possible	Minor	Low	Council staff will work with project to monitor progress and ensure scope creep is avoided

8. Options**Option 1: Council endorse the proposed allocation of funds as recommended in this report**

The funds be administered in accordance with Council Policy 068 – Community Planning Implementation Funds in consultation with the relevant Council service manager.

This option is recommended by officers.

Option 2: Council does not endorse the proposals outlined in this report

Seek changes to the proposals outlined within this report.

This option is not recommended by officers.

9. Strategic Planning Environments

Strong and Engaged Communities	Through a consultative process, eight communities have identified sustainable opportunities to enhance their lifestyle through working in partnership with Council and other key stakeholder groups.
Resilient Economy	Many of the projects identified in this report will have direct and positive economic outcomes for individual communities.
Healthy Environment	Some of the project identified will support the Council strategy of sustainable and affordable energy options.
Balanced Services and Infrastructure	Range of the projects identified in this report will enhance the use of Council owned facilities
Responsible Management	The projects identified for funding in this report present an opportunity for Council to foster positive relationships in the community, and enhance Council's focus on ensuring customer satisfaction

10. Consultation

Internal consultation:

- Executive Management Group
- Community Engagement Team
- Recreation Team
- Finance Team

External consultation:

- Gunbower Community Development Group
- Lockington Community Development Group
- Stanhope Community Development Group
- Colbinabbin Development Group
- Kyabram Development Group
- Tongala Development Group
- Corop Development Group
- Koyuga Hall Committee
- Koyuga Inc.
- Kyvalley progress committee

7.5. Waste, Recycling and Food and Garden Organics Guidelines

Author:

Brian Holmes, Waste and Environment Coordinator

Responsible Manager:

Public Environments Manager

Attachments:

7.5 Waste, Recycling and Food and Garden Organics Guidelines

1. Purpose

To adopt the Waste, Recycling and Food and Garden Organics Guidelines

2. Recommendation

That Council adopt the Waste, Recycling and Food and Garden Organics Guidelines

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

Officers developed a set of waste service guidelines through consultation with industry, other local government authorities, and Regional Waste Management Group representatives in 2014. These guidelines were adopted and have assisted with the delivery of waste services across the community. They were reviewed in March 2018. The guidelines provide officers with the formal support to work with the community around issues as they arise and provide a defensible position to deal with contentious issues. With the introduction of the Food and Garden Organics service additions were required and as such the guidelines have been updated.

7. Content

The guidelines have served officers and Council well since their adoption in 2014 and review in 2018. The introduction of the Food and Garden Organics service requires several changes to bring the guidelines in line with the services provided by Council. In addition, anomalies and/or ambiguities have been noted and this information has been included in the updated guidelines.

The guidelines are regarded as a useful reference for other divisions of Council that deal directly with the public especially the Customer Contact Team. In order to best respond to questions raised by community members and Council staff the guidelines document includes more context regarding why an issue has been included or dealt with in a particular manner.

8. Issues and Risk Management

Issues:

There are no issues.

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	The guidelines enable residents to be actively engaged in their community and supports best practice service delivery.
Resilient Economy	No impact.
Healthy Environment	The guidelines will result in improved environmental outcomes by documenting and applying directions from Council's Resource Recovery and Waste Management Strategy.
Balanced Services and Infrastructure	No impact.
Responsible Management	The guidelines will be accessible to all staff. This will be beneficial to staff, particularly the Customer Contact Team, which receive enquiry in relation to waste, recycling and garden organics. The guidelines will ensure staff understand the rationale behind particular guidelines and are able to provide a consistent response to residents.

10. Consultation

Internal consultation

Undertaken with officers in the Regulatory and Community Services Division.

Councillors:

Councillors at the 1 October 2019 Council Briefing Session.

7.6. Response to Reforms – Aged and Disability Services

Author:

Paul McKenzie, General Manager Regulatory & Community Services

Janelle Wheatley, Community Care Manager

Attachments:

- 7.6.1 EOI 19030 – Future Provision of Commonwealth Home Support Program (CHSP) and Home and Community Care Program for Younger People (HACC-PYP) within the Shire of Campaspe
- 7.6.2 Council Report 18.3 May 2019 - Response to reforms – Aged and Disability Services
- 7.6.3 Petition Re Withdrawal from Aged and Disability Services

1. Purpose

This report seeks Council consideration and decision on its future role in the direct delivery of home support services following its in-principle decision to withdraw from service delivery in May 2019.

The report provides background to the aged care reforms, rationale for Council's decision and an overview of the way forward that seeks to protect the interests of clients, community and staff whilst balancing the broader public interest issues involved.

2. Recommendation

That Council:

1. **Note that on 21 May 2019 Council received a confidential report and resolved:**
 - a) **In-principle to exit the delivery of the Commonwealth Home Support Programme (CHSP), Regional Assessment and the State Government funded Home and Community Care – Program for Younger People (HACC-PYP).**
 - b) **To authorise officers to explore with the Commonwealth the opportunity to transition out of its direct service delivery roles across all Commonwealth Home Support Programme activities including Regional Assessment in a way that will protect the interests of clients, their families, much valued staff and the broader community.**
 - c) **To undertake a “without prejudice” expression of interest (EOI) process to determine a recommended provider which demonstrates alignment with the following key principles:**
 - **Ensures equity of access to services based on need and regardless of geographical location.**
 - **Have a strong safety system to protect both staff and clients.**
 - **Have a similar ethos or values as Council, e.g. a commitment to the health and wellbeing of our community and a commitment to reinvesting back into the community.**
 - **Has a demonstrated commitment to quality care and proven results through Commonwealth aged care quality processes.**

2. **Accept that officers have undertaken the EOI process and considered the outcomes in line with the above principles.**
3. **Confirm its in-principle decision to exit the delivery out of direct service roles across all CHSP and HACC-PYP services.**
4. **Acknowledge that a further report will be received in the confidential section of this meeting which will detail the EOI process and outcome to enable Council to deliver its without-prejudice recommendation regarding a new;**
 - **CHSP provider to the Commonwealth Government; and**
 - **HACC-PYP provider to the Victorian Government;****for consideration during a funding reassignment process.**
5. **Acknowledge that the timing and form of any announcement regarding the appointment of a new provider is a matter for the Commonwealth Government and Council is bound to maintain confidentiality until their consent is provided otherwise.**
6. **Note that the likely date of formal service cessation will be in April or May 2020, but this is a matter for the Commonwealth and Victorian Governments following further due diligence and detailed planning.**
7. **Provide delegated authority to the Chief Executive Officer, or his/her nominee, to undertake and commission all tasks and activities related to the implementation of this Council decision.**
8. **Affirm its commitment to positive-ageing initiatives; ensuring that Council's universal services and facilities are designed to meet the needs of a growing population of older residents; and its ongoing role in ensuring the community has access to high quality aged care services and advocating for the needs of vulnerable members in the community.**
9. **Note that the development of a Positive Ageing Strategy be referred for funding in the 2020-21 budget process.**
10. **Accept that if the Commonwealth Government for some reason declines to accept the recommendation, the programs will continue to be directly delivered by Council and officers will seek to initiate a new EOI process after addressing any of the Commonwealth Government's concerns.**
11. **Note that officers will respond to the petition tabled at its July 2019 meeting regarding Council's in- principle decision to exit the direct delivery of Aged and Disability services by writing to the lead petitioner detailing Council's final decision.**

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

Campaspe Shire Council (Council) has been an important provider of home and community care services to assist older people and those recovering from acute care to continue to live independently in the community through the previous Home and Community Care (HACC) program. This was an important part of the core mission for Victorian local governments for more than 30 years. The HACC program was initiated in the early 1980s and most Victorian local governments invested in the development of a highly coordinated and integrated suite of services across assessment, domestic assistance, personal care, respite care, home maintenance, delivered meals, senior citizens centres and social support. This highly integrated system was peculiar to Victoria and was not replicated in other states.

The investment and organisational commitment to provision of services has over time become emblematic of the supportive relationship between local government and its community. Investment in HACC services was a means of expressing a strong commitment to many vulnerable members of the community. This included older people, people with a disability or mental illness and people at risk of homelessness.

Commonwealth Home Support Programme

Council delivered home support services are funded under the Commonwealth Home Support Programme (CHSP) designed to provide basic services to enable older people to live independently for as long as is appropriate. It is part of an integrated aged care system that includes:

- CHSP – ‘entry level’ basic home support services – domestic assistance, personal care, shopping etc – approximately 785,000 people accessed home support services across Australia in 2017/18;
- Four levels of ‘Packaged Care’ – funded at various levels from ‘basic care’ to ‘high care’ to maintain independence – nearly 117,000 people receive packaged care; and
- Residential Aged Care – funded residential aged care – more than 270,000 people access residential care.¹

In a national context, the total annual commitment by the Commonwealth for aged care in 2018 is \$20 billion: \$15 billion to residential aged care, \$3 billion to home support and \$2 billion to packaged care.

Key characteristics of the current service system include:

- Council holds a service agreement with the Commonwealth for the delivery of the majority of CHSP services in the municipality for people over the age of 65 (or 55 for Aboriginal & Torres Strait Islander people).
- Council is one of a number of providers who are registered and qualified to provide high quality care to older people in the municipality.
- Council provides entry-level basic home support services and has not ventured to provide more complex care that alternative providers are able to.
- The virtual monopoly position in CHSP services originates from the role that Victorian local government adopted in the early 1980s at the start of the Home and Community Care (HACC) program.
- Unlike other states and territories, Councils in Victoria took on a structural responsibility for the coordination, funding and delivery of home support services as a ‘partnership’ with Commonwealth and Victorian governments.
- Some smaller providers (community health or non-government organisations) offer specialised or complementary home support services or ‘packaged care’.

¹ <https://www.gen-agedcaredata.gov.au/Resources/Access-data/2018/September/Aged-care-data-snapshot%E2%80%94942018>

Council's CHSP program delivers approximately 65,000 units of service (hours, meals or visits) per annum. Income to support the delivery of CHSP services comes from three sources:

- CHSP – the Commonwealth Department of Health pays a unit price for each hour of service delivered.
- Client – the client or their carer pays a fee for service depending on their means.
- Ratepayer – the cost of delivery is subsidised by income from rates.

Home and Community Care Program for Young People (HACC-PYP)

Council holds an agreement with the Victorian Government for the HACC-PYP program which provides home support and community-based services to people with a disability and/or chronic illness under the age of 65 (or 55 if the person is of Aboriginal & Torres Strait Islander background) who have not been deemed eligible for services under the National Disability Insurance Scheme. It is a relatively small program and the Victorian Government has indicated that it will follow the lead of the Commonwealth in appointing an alternative provider.

7. Content

The Reforms

The 21 May 2019 Council report provided an overview of the origins of the aged care reforms and the key drivers, these included:

- The number of people in Australia requiring aged care (in some form) would increase by 350% between 2011 and 2050;
- Significant system weaknesses (difficult navigation, limited services, variable quality and no consumer choice) and inefficiencies (duplication of effort, no competition and high cost structures) that needed to be eradicated; and
- Real concern that the cost of providing adequate care for older people in future would be unaffordable as a nation.

The report also outlined that in August 2011 the Commonwealth agreed that it would take full funding, policy, management and delivery responsibility for a consistent and unified aged care system covering basic home care through to residential care.²

Since that time a continuing program of reforms have been rolled out based on the following key reform principles and design philosophies:

- **Consumer Directed Care** – funding is provided directly to the clients based on assessed need to support choice and control – the client purchases services from a range of providers.
- **A Simplified Gateway** – My Aged Care is the single point of entry for all Australians to access aged care services and a streamlined national assessment model will be implemented from mid-2020.
- **Demand Driven System** – the current 'block funded' and supply driven system will progressively move to a 'demand driven' funding system to ensure consistent services are delivered to where they are needed rather than what areas funding is allocated.
- **Competition Policy** – there is a renewed national focus on competition policy to drive economic growth, productivity and efficiency in the delivery of government services.
- **Monopoly Market** – the previous protected market conditions under the HACC program are being completely dismantled to facilitate open competition and improved efficiency.

² http://www.federalfinancialrelations.gov.au/content/npa/health/_archive/national-agreement.pdf

- **Market Efficiencies** – the Commonwealth is seeking to reduce transaction costs by having fewer contracts with larger organisations who can operate across large geographic areas.
- **Client Contribution** – the Commonwealth has established a standard Client Contributions Framework that will progressively be implemented to ensure that all Australians make a consistent contribution to care depending on their capacity and capability.

As a result of these reform items, there are several critical factors in determining if Council can effectively continue to participate through investment and delivery of home support services, these include:

- **Mandate to Operate** – the move to ‘demand’ and ‘consumer driven’ funding models and efficient providers will mean that Council’s future mandate to operate will likely be on a ‘competitive provider’ model which would bring into play legislative and market implications.
- **Alternative Providers** – it is in the interests of the Commonwealth and Council to have a diverse range of providers to meet future demand. Council can only operate because of ratepayer subsidy and may be an impediment to building a stronger local market.
- **Cost of Delivery** – the average unit cost of delivering one hour of service for Victorian local government is between \$65.00 and \$85.00, well above the grant funding and client contribution. This effectively results in a ratepayer subsidy for each hour of service delivered of between \$20 to \$35 per hour.
- **Uncertainty and Ambiguity** – a critical issue for local government is that it finds itself in a period of extended uncertainty. The original reform timetable was for CHSP to conclude in mid-2018 with a merger with packaged care and full introduction of consumer directed care. This milestone has now been extended multiple times, with current contracts to cease 30 June 2022, which means that the program and policy uncertainty continues. This is having a range of impacts on staffing, morale and service capability.
- **Policy Settings** – Campaspe Shire Council and other Victorian local governments have been long term contributors in supporting the viability of an integrated HACC / CHSP model. The reforms provide an opportunity for Council to review its position and how it can support older people and people with a disability in the community.
- **Market / Client Segmentation** – most clients will navigate successfully to the new program structures but there is emerging evidence that vulnerable clients may have trouble maintaining contact with the service system or successfully communicating their care needs. Council will ensure ongoing support is available to assist these clients to maintain connection with the service system.
- **Market Conditions** – the aged care reforms are driving a very significant restructure within the not-for-profit and for-profit service provider sector with wide-scale mergers and acquisitions totally transforming the market landscape.
- **Innovation** – there are a range of innovative responses emerging that will transform service delivery in the coming decade. Continued investment is required to renew the operational model and supporting technology to keep pace with industry practice. Council has many demands on its resources and is not able to invest in the renewal of its operating model or the types of technology that will support future service delivery.

Update on Reforms

Key updates on the implementation of the aged care reforms in recent months include:

- **Streamlined Assessment Model** – the Commonwealth has indicated that it is moving towards a national model of ‘streamlined assessment’ as from 1 July 2020 that will combine the Regional Assessment Service (RAS) and Aged Care Assessment Service. This will have a direct impact on Council as the current provider of the RAS and reinforce the directions of the reforms towards the implementation of a consistent national approach.
- **Aged Care Quality Standards** – new standards have been introduced that apply across the whole spectrum of aged care, from home support to residential aged care. There will be an increasing

emphasis on compliance against these quality and safety standards which will further increase the administrative burden for small scale services like local government.

- **Aged Care Royal Commission** – the Royal Commission will soon hand down its interim report and a final report is now due in November 2020. The Royal Commission will likely reinforce the current reform directions and emphasise the need for increased compliance, safety and quality standards. The focus of the Royal Commission has been on residential care and home care packages rather than home support.
- **Local Government Response** – there is no consistent Victorian local government response to the reforms, but it is now clear that there are a growing number of Councils that have activated decision processes and are moving towards a transition out of service delivery, these include:
 - December 2017, Indigo Shire Council determined to exit the delivery of CHSP services effective June 2018 supported by a Council facilitated EOI process.
 - September 2018, Nillumbik City Council determined to withdraw from the delivery of selected services currently provided by their long-term sub-contractor effective 30 June 2020.
 - November 2018, Bass Coast Shire Council determined to exit the delivery of CHSP services by 31 December 2019, providing a notice period of 12 months to the Commonwealth and providing support to clients and carers to transfer their care arrangements to new providers.
 - February 2019, South Gippsland Shire Council exited all services following an extended EOI process development under the guidance of Commonwealth and Victorian Governments.
 - March 2019, Murrindindi Shire Council determined to exit services effective December 2019.
 - February 2019, Maribyrnong and Hobsons Bay City Councils partnered in a process to select a sub-contractor to support delivery of their service contract.
 - March 2019, Banyule Council resolved to exit selected CHSP services effective 30 June 2020.
 - Wyndham City Council resolved to remain in the delivery of in-home services until 30 June 2020 at which time it is expected to withdraw from direct service delivery of in-home activities.
 - Mid-2019, Maroondah City Council announced withdrawal from its Commonwealth contract for the delivery of in-home services with transfer of the contract to their longstanding sub-contractor effective July 2019.
 - August 2019, Macedon Ranges Shire resolved to cease delivery of HACC PYP by 30 June 2020, cease funding for CHSP Meals by July 2020 and CHSP Home Maintenance by July 2021. Other CHSP services will continue while conducting further due diligence.

Communication Activities and Due Diligence

Since the in-principle Council decision of May 2019 the following activities have been completed by officers:

- Three information sessions for clients and family / carers were held in Kyabram, Rochester and Echuca on 13 and 14 June 2019, these were attended by 132 people. Feedback from these sessions was overall positive and provided a forum for clients and their families to ask questions;
- A volunteer information session was held in Kyabram on 12 June 2019, attended by 5 people;
- Affected Council staff were provided with detailed information regarding Council's decision and invited to provide feedback. Three submissions were made, raising the following matters:
 - Ensuring access to services based on geographic location – concern that remote clients may be let down;
 - Staff not being consulted enough or being discarded – Council will meet all industrial obligations and demand for individual support workers is increasing significantly;

- Clients potentially upset or anxious about the new provider – a carefully planned handover to the Commonwealth appointed provider will address these concerns.

The following themes from the discussions and meetings were translated into the assessment criteria and influenced the weightings for the confidential expression of interest process:

- Quantity and quality of services currently being delivered.
- Cost of services delivered.
- Concern regarding current staff of the service and future employment opportunities.

It should be noted that a petition was received by Council on 28 June 2019 and tabled at the July 2019 meeting. The petition contained a total of 2,621 signatories and sought for Council to continue the delivery of Aged and Disability services. The petition was circulating within Campaspe communities during the time the above noted community sessions were held. A report responding to the petition was presented at August 2019 meeting. Within this report the risk of heightened consumer concern through misinformation was identified. Officers advised any rise in client concern could be managed through careful communication and dealing with individual concerns as they were raised. The report noted that the petition was raised in response to an in-principle decision to withdraw from services and that no final decision would be made until after the EOI process was complete.

Once Council has considered this report and determined its final decision, officers will write to the lead petitioner detailing Council's position.

The EOI was a two-stage process:

- Stage One – considered and evaluated standard information (against criteria reflecting Council's guiding principles) from all respondents and developed a short-list for Stage Two;
- Stage Two – short-listed respondent organisations invited to participate in the second stage of evaluation.

Council's guiding principles for the process were as follows:

- Ensures equity of access to services based on need and regardless of geographic location.
- Have a strong safety system to protect both staff and clients.
- Have a similar ethos or values as Council, eg. a commitment to the health and wellbeing of our community and a commitment to reinvesting back into the community.
- Has a demonstrated commitment to quality care and proven results through Commonwealth Aged Care quality processes.

Conclusion

Since Council's in-principle decision to exit the direct delivery of aged and disability services there has been no industry or local issue emerge that might alter the premise on which the in-principle decision was made. It is therefore recommended that Council confirm its exit from aged and disability direct service delivery.

8. Issues and Risk Management

Issues:

Issue 1: Public or community interest

Council's overall interest in ensuring access to quality aged care services will not be compromised by this decision. Market sounding has indicated that there are high-quality local and national providers who will be able to deliver services in an effective and efficient manner without the need for ratepayer subsidy.

A critical public interest question is whether any local government should continue to subsidise entry-level services with ratepayer funds when the Commonwealth has taken full responsibility for funding and delivery and there are alternative providers able to fulfil the Commonwealth requirements without the need for ratepayer resources.

Issue 2: Legislative issues

The Commonwealth has clearly stated that it is responsible for funding, planning and commissioning of a new aged care system for Australia.

The Local Government Act requires Council to provide governance and leadership for its community through advocacy, decision making and action. These often difficult and complex decisions need to be in the long-term interest of the community and appropriately reflect the financial resources available.

Council's broader mandate for the health and wellbeing of the community (including older adults) provides the basis for decision-making around the potential reinvestment of some of the current ratepayer subsidy into positive ageing initiatives.

Issue 3: Economic issues

There is an economic imperative to ensure that the future aged care system is affordable for the national economy. A clear part of the reform agenda is to employ the most efficient means possible to deliver services that are required.

The development of a healthy provider 'eco-system' is in the interests of both Council and the Commonwealth Government. The transfer of CHSP funding into the local economy will strengthen and build capacity of the service system.

The Labour Market Information Portal³ indicates that Health Care and Social Assistance will be the single largest employment area for growth in Victoria, it will account for more than 1 in 4 (26%) new jobs in the next 5 years. It is very likely that Council's highly qualified staff who wish to continue working will find continuing employment.

Issue 4: Facilitating a change of provider

The long history of service provision through the previous HACC program built a strong social contract with the community. The reforms, through no fault of Council are disrupting this relationship and Council has committed that clients will not be disadvantaged through this process.

Issue 5: Council's future role

Council has an ongoing role in meeting its obligations in planning for the health and wellbeing of its community and will need to maintain an ongoing role in planning, advocacy and programming as it relates to older people and people with a disability

Following an exit from direct delivery of services, there will be a need to maintain a level of investment to complete funded responsibilities and address remaining aspects of the service.

³ <http://lmip.gov.au/default.aspx?LMIP/GainInsights/EmploymentProjections>

The anticipated resource commitments that will be required post-service delivery exit include:

- 0.6 FTE fixed term role. Responsibilities include:
 - Day to day operations of Council's volunteer transport service until future role in this service determined through the development of a Positive Aging strategy.
 - Direct assistance to connecting vulnerable people to the service system during the commencement and settling period with the new provider.
 - Provide advice and support to general population seeking in home support – facilitate "warm referral".
- Council funding in 2020-21 budget to support development of Positive Ageing Strategy and affirm Council's ongoing role (one-off).
- 1 FTE position – Ongoing. Responsibilities include:
 - Conduct "wash up" activities following service exit (funding body acquittals, debt recovery, facilitate asset and small items of equipment reallocation or disposal).
 - Undertake aged and disability asset and infrastructure review and tenancy arrangements, including clarification of operational supports and asset planning that identifies opportunities for disposal, collocation or other efficiencies.
 - Operationalise implementation plans associated with Positive Ageing Strategy.

Issue 6: Broader organisation context

Council subsidises its home support programs with approximately \$800,000 of income from ratepayers per annum and this is projected to increase by 5% to 8% per annum in future years. Sustainability of Local Government in rural areas is under threat and Councils must prudently manage spend. By virtue of their location, rural Councils have a greater number of road networks to maintain and traditionally more assets to maintain per head of population than metropolitan counterparts. The constrained fiscal environment due to rate capping, Council's renewal gap and increasing demands on the budget creates an obligation for all Councils to make strategic decisions that are in the broader public interest.

The Commonwealth has stated that it is solely responsible for funding and delivery of a consistent national integrated aged care services system and there should not be a reliance on Council subsidy to be able to achieve this outcome.

For decades Councils have rallied against 'cost-shifting' by other levels of government and these reforms present an opportunity to ensure that financial accountability and responsibility is transferred to the Commonwealth and Victorian governments for the future delivery of required services.

Risk

1. Risks associated with Council remaining a service provider

A comprehensive risk and community impact analysis has been completed as summarised below:

Risk Description	Risk Rating
Increasing Cost of Services – The current estimated cost to Council for the main Home Support services of around \$1 million per annum is based on 'block funding' and a consistent demand for service. It is highly likely that with increasing demand, the introduction of competition and consumer directed care the future cost of service will increase and that there will be higher volatility and commercial risk.	High

Increasing Market Competition – ‘limited or full-market competition’ will be introduced in the commissioning of aged care services and this will require Council to restructure its operating model and cost structures to adapt to this emerging challenge.	High
Potential Breach of National Competition Policy – requires Council to completely remove underlying ratepayer subsidies or pass costs on to consumers. Council can undertake a Public Interest Test, but it is not likely to be able to justify continued subsidisation when in competition.	High
Requirement to Invest in Innovation – if Council seeks to remain as a provider of services post 2022 it will require significant investment to support the reorientation of its operating model. This will require renegotiation of industrial arrangements, investment in business processes and technology, reduced overheads, working capital and capability to quickly increase and reduce scale of operations.	High
Higher Unit Cost – The unit cost of delivery by local government is relatively high when compared to the level of funding provided and the operating costs of not-for-profit and non-government organisations.	High
Inability to Increase Scale of Operations – Some Councils have examined if growing the scale of operations might be a solution to responding to the reforms. Investigation of this option has indicated that growth in a highly competitive market is unlikely due to inherent cost structures, limited range of service offerings and lack of experience.	High
Stranded Services – active markets for aged and disability services will be develop in populated areas and this may result in Councils being left with only remote or rural areas with very high costs of delivery. Council could be the provider of last resort with diminishing market share and significantly increasing unit costs.	Moderate
Provider selection input – it is anticipated that if Council continues to provide services until current contracts expire that it will have no input into the selection of a service provider for the area. Therefore, forfeiting the right to select a provider who meets the values set by Council and the preferences of staff and the community.	High

2. Risks associated with Council exiting direct service delivery

A comprehensive risk and community impact analysis has been completed as summarised below:

Risk Description	Risk Rating
Selection of poor-performing provider – The selection of a provider with a poor performance history or one who is not fully able to deliver on the requirements of the EOI would have a dire effect on client and staff outcomes. A robust EOI process, underpinned by Council’s guiding principles as well as the needs of highest priority as articulated by staff and clients through feedback, has been delivered under the supervision of Council’s specialised and experienced Procurement team. The EOI process has yielded an alternate provider who meets the criteria set. The Commonwealth also runs its own prescribed due diligence processes to ensure a successful appointment.	Moderate
Service costs increase for clients – Steep fee increases would be detrimental overall to the client population and in particular the more vulnerable clients. Through the EOI process, respondents were required to submit indicative fee structures to enable an assessment of overall impact on Campaspe clientele. Further, fee guidelines and frameworks exist under both funding streams (HACC-PYP and CHSP) to protect the needs of clients and facilitate access to services.	Low

<p>Breach of confidentiality of process – The Commonwealth Government has a clear expectation that the outcome of the EOI process is to remain confidential until such a time that the Commonwealth makes an announcement regarding the provider of services. It is anticipated that this could be a six – eight-week process. The Commonwealth has further expectation that all details pertaining to other respondents to the EOI process remain confidential in perpetuity, to protect against reputational damage. Council has extensive experience in conducting EOIs and its processes are robust. The EOI process was conducted under the direction of Council’s Procurement team.</p>	Moderate
<p>Industrial and Employee Relations – Every scenario or pathway contains industrial and employee relations risks. Council will meet its industrial obligations under its Enterprise Agreement. Throughout the process officers have kept staff informed with regular updates and sought specialist advice to ensure it is meeting its industrial obligations. Noting that the aged and disability care industry will be the single largest employment area for growth in Victoria and will account for more than 1 in 4 (26%) new jobs in the next five years, it is very likely that Council’s highly qualified staff who wish to continue working will find employment.</p>	Moderate
<p>Potential for vulnerable clients to fall through the gaps – Most clients will require limited support from Council as they commence with a new provider. It is understandable that Council has a high level of concern for vulnerable members (mental illness, social isolation, at risk of homelessness, intellectual disability etc) of the community and therefore resources will be required to provide appropriate support structures to all clients.</p>	Moderate
<p>Advocacy – There is a clear need for strong advocacy to the Victorian and Commonwealth governments on the risks for local government arising from the reforms. This includes holding the Commonwealth and Victorian governments accountable for service delivery outcomes; ensuring the market stewardship roles are fulfilled; and making representations on the needs of vulnerable communities. Council will be required to continue funding its role in planning and advocacy for the health and wellbeing of its community.</p>	Low
<p>Commonwealth reject Council recommendation on provider – The Commonwealth will undertake due diligence to either confirm or decline Council’s without prejudice recommendation. Should the Commonwealth reject the recommendation, permission will be sought to run the process again as there was adequate interest from the market to support another EOI.</p>	Low
<p>Staff / Volunteer retention and absenteeism – there is a risk that through Council confirming its decision that staff elect to gain alternate employment, or that absenteeism rises. This would have an impact on service delivery and quality. Officers have maintained positive working relationships with staff and volunteers and value the dedication shown toward the clients they serve. It is deemed that the risk of absenteeism will be minimal.</p>	Low
<p>Continuity of care for brokerage clients is not maintained – it is unclear what decision brokerage agents will make regarding selecting an alternate service provider. Council is committed to working constructively with all brokerage agents and their clients to assist in maintaining continuity of care.</p>	Low
<p>Loss of connection to sector – Council maintains its responsibility to plan and advocate for health and wellbeing of its residents. Through deciding to exit direct service delivery, Council is not intending to relinquish this commitment. A commitment of ongoing resources required to support this function has been outlined above under Council’s future role.</p>	Low

9. Options

Option 1: Confirm Council's in-principle decision to withdraw from direct service delivery

Council conducted a confidential expression of interest process and is in a position to make a positive recommendation to the Commonwealth regarding a potential alternative provider of home support services.

Caveat: It must be noted that the EOI was not a procurement process as understood under the *Local Government Act 1989* and was conducted with approval from the Commonwealth solely to provide assistance in the funding reassignment process.

The process has identified a high-quality provider with values and principles that are strongly aligned to those of Council.

The alternative provider cannot be identified at this time because:

- The recommendation is made on a 'without prejudice' basis and the Commonwealth must conduct its own due diligence processes;
- Following Commonwealth approval there needs to be a series of detailed negotiations regarding various elements of the process and preparation of a deed of assignment; and
- Any final announcement is a matter for the Commonwealth and the Commonwealth will determine the timing of appointment and public notification.

This option is recommended by officers.

Option 2: Disregard Council's in-principle decision and continue to provide home support services until 2022 or beyond.

Council could resolve to disregard its previous decision and continue to provide home support and associated services until 2022.

This option is not recommended as:

- Council has successfully identified a 'values aligned' provider through the EOI process that it can confidently recommend to the Commonwealth;
- The directions of the reforms have been reinforced through recent decisions related to Streamlined Assessment Service and there is little likelihood of a significant change in direction in the coming two years;
- A careful and planned exit process to a values aligned provider will represent best value for the community and mitigate future risk of being caught in a large-scale transition process where choice and control might be limited;
- The opportunity cost of continuing Council service delivery means ratepayer subsidy cannot be reinvested into broader programs and strategic priorities; and
- There is a strong rationale for providing direction and certainty after eight years of change and insecurity, this is a significant decision for clients, staff and community but Council has committed to meeting all obligations and investing in a successful process.

This option is not recommended by officers.

10. Strategic Planning Environments

Strong and Engaged Communities	<p>Council has a strong commitment to ensuring quality aged care services are delivered to its community and will actively monitor and advocate for this outcome.</p> <p>Council will also explore and invest in alternative roles as well as ensure its universal services are designed to meet the changing needs of older people and people with a disability.</p>
Resilient Economy	<p>The growth in demand for aged and disability services presents a real challenge and opportunity to build sustainable local employment – one in four future jobs will be in caring or individual support roles and there are emerging workforce shortages that will need to be overcome.</p>
Healthy Environment	<p>No impact.</p>
Balanced Services and Infrastructure	<p>The opportunity to cease direct service delivery and for the community to still receive high quality aged care services allows Council to reinvest its subsidy to alternate strategic priorities.</p>
Responsible Management	<p>In a rate constrained environment, Council must consider all opportunities available to determine an outcome in the best interests of the community. Whilst all information is not available at this time, the directions of the reforms are clear, and the best interests of Council and community will be served throughout this process.</p>

11. Consultation

Officers have engaged with appropriate Commonwealth and Victorian government agencies to provide notice and advice of the decision-making process.

The Australian Services Union, acting as the industrial representatives of staff has been advised of Council's in-principle determination on this matter. A staff working group has been established to ensure clear communication throughout the process.

Clients and families have been informed of Council's decision process through regular updates.

Officers have hosted information sessions for those affected. A comprehensive 'Frequently Asked Questions' document was also made available.

Councillors have been provided regular updates by way of briefing.

7.7. Shire Energy Efficient Projects (Solar), Echuca Basketball Stadium

Author:

Allison McCallum, Environmental Project Officer - Conservation

Responsible Manager:

Public Environments Manager

1. Purpose

To seek approval for additional funding to be allocated to the Shire Energy Efficient Projects (Solar) and to determine a project for the current year's capital program.

2. Recommendation

That Council:

- 1. Approve the allocation of \$62,454.68 from the return of funds contributed to Watts Working Better Project for use in Council's Energy Efficiency Projects**
 - 2. Note that Council's Energy Efficiency Project (solar) for the 2019/20 financial year is the installation of solar power and battery power storage at the Echuca Basketball Stadium**
-

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 2017 the Green Team completed a solar feasibility study for key Council buildings to coincide with a project to install solar panels at the Echuca Regional Library. The feasibility report noted benefits for other key sites.

The four key facilities recommended for the installation of solar energy are:

- Echuca War Memorial Aquatic Centre
 - Campaspe Children's Centre
 - Port of Echuca Discovery Centre
 - Echuca Basketball Stadium.
-

The feasibility study identified "The financial benefits result from the high percentage of solar generation being consumed internally rather than exported to the power grid at the applicable tariff rate. Each kWh consumed onsite results in an avoided cost of importing electricity from the power grid. The current feed-in tariff is significantly less than the cost per kWh on the site; therefore, the system should be sized to match the internal energy consumption needs as closely as possible."

These sites have been nominated for solar installation as part of PR100171 Shire Energy Efficient Projects (Solar). Through the 19/20 Capital Budget Process, Council made a budget allocation of \$90,000 excluding contingency, for the installation of solar system at one of the nominated sites.

7. Content

Council listed four buildings that might be viable options for solar power. Investigation into these options have been conducted and the following comments are made:

Echuca War Memorial Aquatic Centre

This site has a high day time usage which would benefit from solar to reduce operating costs.

The Capital cost appears low however there is a current high level of works being undertaken at this site (three separate capital projects) which would delay the timing for delivery of a solar project. The site requires confirmation from Powercor that the capacity of the main supply can absorb any excess load generated by the solar system proposed for the building.

This site is not recommended due to the amount of works at the site increasing the risk that the project can not be delivered this financial year.

Campaspe Community Children's Centre

This site has a high day time usage which would benefit from solar power to reduce operating costs.

The site requires confirmation from Powercor that the capacity of the main supply can absorb any excess load generated by the solar system proposed for the building. Investigations required will mean that this project would be in danger of not being delivered this financial year.

This site is not recommended

Port of Echuca Discovery Centre

This site has a high day time usage which would benefit from solar to reduce operating costs.

The Capital cost appears low however the building sits within the Heritage Overlay therefore the placement of solar panels will need to be considered given the impact on the aesthetics of the Port Precinct and the need for a planning permit. Given a permit will be required and the site requires confirmation from Powercor that the capacity of the main supply can absorb any excess load generated by the solar system there is a risk that the project may not be able to be delivered this financial year. The project will require delivery over two years. Year one would entail detailed design and permits while construction would occur in year two.

This project is not recommended due to it not being able to be delivered this financial year.

Echuca Basketball Stadium

The current project budget for solar installation at the Echuca Basketball Stadium will allow for the installation of a 60kW system. The system would feed-in 70% of the generated electricity to the grid with a return on investment after four years however recent investigations have found that the existing infrastructure to enable power supply to the grid requires upgrading. The current cable must be upsized to 120mm cable to be capable of supplying the grid with up to 70% of generated electricity. This upgrade increases the cost of the project by \$21,000 and extends the return on investment to six years. The cable upgrade costs are made significantly higher as their replacement requires underground boring below Council's carpark which services the stadium.

The installation of solar panels requires approval from Powercor to feed-in to the grid. The approvals process for Powercor is based on the level of power you feed-in to the grid. The feed-in of up to 5kW single phase requires a solar pre-approval from Powercor online and is the same process for residential connections. It is very rare for these applications to be rejected. Generation of 30kW and 200kW requires a detailed assessment and is limited by the transformer capacity of the system, with many older suburban areas restricted in their ability to support extra power. Consequently, there is a risk that Council might upgrade the cable to the power pole and Powercor will not support the application to install 60kW of solar power. The further investigation and the Powercor application/response pose a significant risk to delivery in this financial year.

This project is not recommended by officers.

Echuca Stadium Solar/Battery Project

Given that the major use of the facility occurs after dark the storage of power from a solar system in batteries is an option.

The most cost-effective option for battery storage is to install a 50kW system with 36kWh of battery storage. The batteries need to be stored in a separate shed which is connected to the stadium. There would be no impact to the current court space or services. This system will cover the energy usage of the stadium for five hours per night. This configuration of solar panels and batteries will limit the amount of energy exported to the grid to a maximum of 5kW.

No cable upgrade will be required. The additional cost for the battery option is \$62,000, reducing the return on investment to five years and three months.

The installation of a solar/ battery system on site has additional benefits of:

- Reducing future operating costs at the stadium due to increases in electricity prices.
- The stadium will be able to maintain power in times of a 'black out'/disrupted supply. As the Echuca Basketball Stadium is also an emergency relief centre, this will enhance the service to the community in times of an emergency as it is possible that mains power will be disrupted. The 36kWh of battery storage will be sufficient to operate the site overnight on basic services (lights and fridges). Campaspe will be leading the way with the first relief centre in regional Victoria to operate off the grid using a solar and battery system.
- The ability to operate without mains power means it can support the neighbouring Echuca South Oval in its role as a Bushfire Place of Last Resort. Should the site be required in a major bushfire, it is likely that power supply will be disrupted and there will be high temperatures.
- Provides Council with an environmental leadership opportunity through demonstrating the effectiveness of batteries used in conjunction with solar and the potential for the community to adopt this technology at other sites/ in the home.

Table 1 compares the costs of the two Echuca Stadium projects - solar installation vs solar and battery installation

Table 1	Solar installation at Echuca Basketball Stadium	Solar and battery installation at Echuca Basketball Stadium.
Solar system details	60kW solar panels (160 x 380 watt panels) Upgrade 120mm cable	50kW solar panels (132 x 380 watt panels) 38kW battery storage (stored in a shed)
Budget details	\$90,000 (current available budget) + \$21,000	\$90,000 (current available budget) + \$62,000

Both Stadium projects require additional funding to proceed however only the Battery/Solar project can be delivered this financial year.

Officers recommend this option if there are sufficient additional funds available to contribute to the project as it can be delivered in the current financial year.

8. Issues and Risk Management

Issues:

Issue 1: Additional funding required

Recently Council received a return of funds from the Watts Working Better Project. Watts Working Better delivered the changeover of 1806 MV80 lights to energy efficient T5s as well as the development of the business case for lighting upgrades in public open spaces across the Shire in 2014/15. The project was done in collaboration with four other Local Governments with Council making a contribution of \$250,000, combined with the Commonwealth Governments 2:1 grant contribution of \$500,000 for a total project budget of \$750,000 in Campaspe

Watts Working Better has been completely delivered and has been an outstanding success. The final payback period for the lighting upgrade was achieved two months earlier than the business case recommended and the final project washup distributed back project savings to Council (on a pro rata basis) of \$62,454.68. These savings have a notional mix of both Council and grant contribution however there was no requirement to return any savings to the Commonwealth.

Council's Green Team who initiated the original Watts Working Better project has recommended that the returned funds (\$62,454.68) be used in other energy saving initiatives as this was the original purpose of both Councils and the Commonwealths contributions.

The Green Team has been involved in assessing Councils solar projects and has endorsed the Echuca Stadium Battery project as its highest energy saving priority project. This project supports the Green Team objective 'to improve energy and water efficiency and reduce carbon emissions' and delivers on the Council Plan strategic objective 'A healthier environment for current and future generations', specifically Strategy 3 and 4 and the performance measure to reduce tonnes of CO₂ emissions from electricity and gas used in all Council owned and operated buildings and facilities.

Council is requested to determine that the Watts Working Better returned funds of \$62,454.68 be made available for use in its energy efficiency activities being the Echuca Basketball Stadium Solar/Battery Project.

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: Increase funding for the Shire Energy Efficient Projects (Solar) Echuca Basketball Stadium to include the installation of batteries.

The installation of batteries at the Echuca Basketball Stadium improves the rate of the return on the project, increases the amount of solar power utilised on site which will reduce future operating costs by reducing electricity bills. The additional funds for the batteries can be sourced from the reallocation of the \$62,454.68 from the returned funds from Watts Working Better project.

This option is recommended by officers.

Option 2: Provide funding to upgrade cable

Additional funding is provided to upgrade the cable to feed-in to the power grid when the stadium has low energy use. This option requires an additional funding of \$21,000 and carries the risk that it may not be approved by Powercor. However, there are risks this project cannot be delivered in the current financial year.

This option is not recommended by officers.

Option 3: Change sites for solar installation

As the Shire Energy Efficient Projects (Solar) includes four sites suitable for solar installation, the current funds could be redirected to one of the other sites. The next suitable location is Campaspe's Children's Centre. The other two sites could not have solar installed within the financial year, due to:

- Echuca War Memorial Aquatic Centre. The current budgeted project to upgrade the pool roof will impact on the ability to deliver solar panels this year.
- Port of Echuca Discovery Centre. Before solar panels are installed at this site, further planning work is necessary to negotiate the requirements of the heritage overlay and investigation into the roof structure. This planning work should be undertaken in the financial year prior to installation.

This option is not recommended by officer as there is still a risk that the project may not be delivered due to the need to investigate Powercor requirements.

Option 4: Direct funds to project scoping

As the solar panels at the Echuca Stadium can't be delivered with the current funding, this funding could be redirected to project scoping for the Port of Echuca Discovery Centre for future installation of solar panels and the investigation works required at the Childcare Centre. It is important to note that this will mean a failure to meet Councils capital program commitments

10. Strategic Planning Environments

Strong and Engaged Communities	Using solar practice on community sites supports best practice service delivery. The addition of battery supply introduces this advanced technology to our community.
Resilient Economy	No impact.
Healthy Environment	The use of solar power (green power) supports a healthy environment by reducing greenhouse emissions which mitigates the impacts of climate change.
Balanced Services and Infrastructure	Supports sustainable community infrastructure by reducing future operational costs.
Responsible Management	Promotes positive organisational culture through demonstrating the use of solar power, minimising carbon emissions and reducing future operational costs.

11. ConsultationInternal consultation:

- Waste and Environment Team
- Project Management
- Green Team
- Corporate Strategy

External consultation:

- Solar system specialists
- Nillumbik Council
- Sustainability Victoria

7.8. New Council Policy -Request for New Public Dump Point Facilities

Author:

Paul McKenzie

Attachments:

7.8 Proposed Council Policy 171 – Request for New Public Dump Point Facilities

1. Purpose

To provide Council with a mechanism to assess requests for public dump point facilities.

2. Recommendation

That Council adopt Council Policy 171 - Request for New Public Dump Point Facilities.

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

This policy has been developed after Council received a number of requests to build public dump point facilities. Over the past two decades caravanning has become increasingly popular. The inclusion of toileting and bathroom facilities as standard features in caravans has also grown as cashed up baby boomers demanded more luxurious appointments. What had been a rarity in the 1970's and 1980's is now commonplace.

"Dump Points" are places where caravan travellers can appropriately dispose of septic waste. The demand for this type of facility grew rapidly and for a time there was a strong economic development rationale for Councils to provide public dump points. Communities had quickly come to realise that having a dump point was an attraction for these travellers and that by having one, a town might attract an increased number of visitations.

Inevitably Caravan Parks began installing "dump" facilities as they competed for custom and the need for public "dump points" has reduced. Council, from time to time, continues to receive requests from community groups to install public dump points on its land. A policy was required to adequately and consistently:

- Provide the community with clear guidelines on how to assess the need for such a facility
 - Provide Council's position regarding the asset ownership and maintenance of these facilities
-

- Indicate the regulatory environments to be understood and complied with
-

7. Content

The Policy contains five key areas that have been outlined below:

- Existing Facilities

Determining a need begins with examining the environment around the proposed location to understand if there are existing facilities in close proximity.

- Commercial Impact

Providing a dump point close to an existing business could potentially negatively impact that businesses viability.

- Proposed use of Council land

Council is required to understand if it has any future uses that might be impacted through the installation of a dump point. Those wishing to use Council land for such an activity will need to work with the relevant service manager to determine if the site is appropriate

- Compliance

Dump points must have environmental health approval. This will also involve water authority approvals for discharge into the sewer. Potentially, there could be planning and building permits required and/or conditions from the road authority.

- Facility Ownership and Sustainability

Council has clearly indicated that it will not be the asset owner of dump points. Community groups will need to accept ownership and maintenance requirements. There is a fee associated with acquiring a permit and an annual charge for using the sewer

8. Issues and Risk Management

Issues:

Requests for installation of dump points while irregular, have the potential for service duplication and increasing Councils asset base unnecessarily. This policy will mitigate this risk and provide guidance to the community around how they might assess the need for a dump point and Councils position on such facilities.

Risk:

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

9. Options

Option 1: Adopt the policy - Request for New Public Dump Point Facilities

This option provides Council with a way of consistently assessing community requests for dump points.

This option is recommended by officers.

Option 2: Do not adopt the policy

This option is not recommended by officers. Without this policy requests for dump points will need to be assessed on a case by case basis causing efficiency issues, delays and confusion around Council's position on the installation of dump points on Council land.

10. Strategic Planning Environments

Strong and Engaged Communities	Communities are empowered to consider and assess the need for dump point using the Policy framework that documents Council's position.
Resilient Economy	No Impact
Healthy Environment	No Impact
Balanced Services and Infrastructure	Due consideration is required when expanding Council's asset base.
Responsible Management	Council should seek to ensure that services are not duplicated and that its activities do not impact on commercial activities wherever possible.

11. ConsultationInternal:

Consultation has been undertaken with the following department internal Departments:

- Executive Management Group
- Economic Development
- Community Engagement
- Environmental Health
- Planning and Building

Councillors:

- Council Briefing Session 3 September 2019

7.9. Strategy and Policy Gap Analysis

Author:

Andrew Cowin, Corporate Strategy Manager

Frank Crawley, Governance Manager

Attachments:

7.9.1. Strategy benchmarking

7.9.2. Policy benchmarking

7.9.3 Council Policy summary

1. Purpose

To inform Council of the outcomes of strategy and policy benchmarking and the identified gaps and strategic priorities.

2. Recommendation

That Council:

- 1. Note the outcomes of strategy and policy benchmarking and the identified gaps in strategy and policy when compared with those of other Large Rural Councils**
- 2. Note the priority list of strategic work (from highest to lowest priority) as identified through the benchmarking gap analysis and service planning as:**
 - a) Tourism – Tourism Strategy**
 - b) Active Recreation - Recreation Strategy**
 - c) Aged and Disability Services - Ageing Strategy**
 - d) Business Development - Workforce Development Strategy**
 - e) Community Development - Youth Strategy**
 - f) Community Development - Arts and Culture Strategy**
 - g) Library - Library Strategy**
- 3. Refer to the 2020/21 budget process for consideration the establishment of a Strategy fund to support the development of priority strategic work annually.**
- 4. Note that based on this benchmarking of Council policies against other large rural Councils, there are no identified gaps requiring priority attention.**

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

At the 20 August 2019 Council meeting Council resolved the following notice of motion:

1. *The CEO undertake a desktop review of Campaspe Shire's current Policies and Strategies and benchmark them to other Councils deemed relevant based upon size and or similar community service delivery.*
2. *The CEO is to report back to Council by October 2019 identifying any gaps in Policy and Strategy:*
 - a) *The report must include a proposed workplan of any additional Policy and Strategies that need to be undertaken.*
 - b) *The report must prioritise Policy and Strategy work needed.*
 - c) *The report must identify any implications from the lack thereof of Policy and Strategy to current and planned projects.*

This report seeks to address those matters raised in the resolution.

7. Content

Council has a number of strategies and policies which assist in guiding/driving the delivery of services and infrastructure. Strategies and policies have been developed either as a legislated requirement or an initiative of Council or the community.

For clarity it is worthwhile reiterating the difference between strategy and policy. Strategy is a plan to be implemented in order to achieve particular approved goals and objectives. It will normally include a list of actions and their reasons, responsible officers and timelines. Some strategies don't have actions but are supported by an implementation plan. Policies are Council's particular viewpoint on matters that help provide consistency in decision making. Written and publicly available policies enable the community to be aware of the reasoning behind administrative and Council decisions and the purpose behind individual decisions.

Services may have either a strategy or a policy or sometimes both. Often a strategy may include the Council's viewpoint on a particular service or matter which obviates the need for a policy.

Strategies and policies are developed to progress achievement of the Council Plan and the community vision outlined in Campaspe Our Future.

Strategy Reviews Strategies are reviewed and reported to Council annually. The schedule of strategies was last noted by Council at its meeting on 20 August 2019.

Strategy Benchmarking

Council's schedule of strategies is aligned to the agreed list of services. Consistent with Council's resolution mapping of strategies has been completed against Local Government Victoria's Large Rural Group of Councils (Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Golden Plains, Macedon Ranges, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, Southern Grampians, Surf Coast,

Swan Hill and Wellington). This grouping is also used for benchmarking of the local government community satisfaction survey results and the Know Your Council data.

Published strategies for 14 of the 18 Large Rural Group of Councils were obtained. The outcomes of the benchmarking are at Attachment 7.9.1. This benchmarking was undertaken by review each Council's websites and where details were not available contact was made to individual Council seeking to obtain a list of current strategies. It should be noted that the list is not exhaustive, and Councils benchmarked may contain other strategies not listed. In addition as part of the benchmarking a distinction has been made to exclude Plans such as master plans, infrastructure plans and operational/functional service plans. This approach aligns with the inventory of strategies and plan presented to Council annually.

Strategies developed by the Statutory and Strategic Planning service that directly inform strategic land use planning and statutory planning decisions have been excluded. Only strategies that assist in guiding the future direction of a service have been benchmarked.

The strategy benchmarking identified the following gaps in strategy for the following services:

Service Area	Strategy Topic
Aged and Disability Services	Ageing
Community Development	Youth
	Arts and Culture
Emergency Management	Community Resilience
Tourism	Tourism
Active Recreation	Recreation
Aquatics	Aquatic

Service managers from across the organisation reviewed the benchmarking. In all cases service managers affirmed the strategic gaps identified through the benchmarking as known gaps. Service Managers in all cases indicated that the gaps have been identified through Service Planning activities.

Service managers identified the following gaps in strategic service direction:

Service Area	Strategy Topic
Business Development	Workforce Development
Library	Library Services
Parks and Gardens Maintenance	Urban Forest

A number of service managers also indicated that recent budget submissions had been made to Council seeking to undertake the strategic work in those areas with defined gaps. However in all cases funding was not supported.

Service Area	Strategy Topic
Business Development	Workforce Development
Active Recreation	Recreation
Tourism	Tourism

Service managers indicated that is actively being pursued in relation to the following strategies:

Service Area	Strategy Topic	Current Status
Aquatics	Aquatic	Consultant being sought for the development of an Aquatics and Leisure Strategy
Emergency Management	Community Resilience	Resilience Strategy is under development internally
Parks and Gardens Maintenance	Urban Forest	Urban Forest Strategy is under development. Background work has been completed

Consequently the following service areas lack strategic direction and the service managers have identified that a lack of strategic direction has the following implications on service delivery:

Active Recreation - Recreation

The former Recreation Reserves Analysis (2007) provided broad stroke plans for recreation reserves, but limited strategic direction for sport and recreation holistically across the shire. Without a strategic direction planning from the provision of active recreation is based on desires. Resulting in a focus on the 'traditional' sports undertaken in the shire. A strategic focus to active recreation would allow for planning of future growth in different sports and active recreation opportunities.

Aged and Disability Services - Ageing

Council have made an in-principle decision to withdraw from aged and disability service, however a positive ageing strategy will be required to focus the areas that remain with Council following the withdrawal.

Business Development - Workforce Development

Council is not able to adequately plan and prepare for future workforce needs and changes in the local economy.

Community Development

Youth

The Youth Advisory Group was established approximately 3 years ago. The advisory group are currently assisting Council in better understanding the immediate needs and the issues impacting local youth. The lack of a strategy means no evaluation has been undertaken of the future youth needs and the role of Council. Young people have been incorporated into the Access and Inclusion Plan as a key cohort of need.

Arts and Culture

The lack of a strategy means that Council has not set a vision or defined its role in the participation and support for festivals, events, cultural activities and arts practice, resulting in inconsistent ad-hoc approaches. The absents of this strategy has delayed implementation of the Echuca Arts Precinct Masterplan

Library - Library

The lack of a strategy means no evaluation has been undertaken of the future service needs particularly with respect to infrastructure planning. The service will continue to deliver the current program offering.

Tourism - Tourism

The lack of a strategy has meant that no evaluation has been undertaken of the current and future direction of the tourism sector in Campaspe. A strategy would identify emerging trends in:

- how visitors access information,
- select destinations, and
- book accommodation and activities.

A strategy would establish a best practice approach and outline local government's role in the provision of tourism services, including the provision of visitor information centres, tourism marketing, event attraction, support and coordination.

Consequently Council are operating in an ad-hoc environment and relying on historic relationships and delivery models.

Considering the implications from the lack of strategic direction on the delivery of service for the abovementioned service areas the following strategic priority work list has been proposed.

Priority Ranking (highest to lowest)	Strategy topic
1	Tourism
2	Active Recreation – Recreation
3	Aged and Disability Services - Ageing
4	Business Development - Workforce Development
5	Community Development - Youth
6	Community Development - Arts and Culture
7	Library - Library

Policy Benchmarking

Council's approved policies have been benchmarked against the same Councils used for the strategy benchmarking. All Councils have legislated policies, but the amount of discretionary policies vary significantly between Councils. A number of policies are specific to the unique characteristics of certain Councils, e.g., cattle grids in roads, Livestock Selling Centres, art collections, rural growth, bird management in urban areas, industrial land sales etc. Policies are normally developed to address specific matters and may evolve from Council requests or management initiatives where it's considered guidance would be beneficial.

The policy benchmarking review has not uncovered any particular areas that require attention and in fact Council appears to have a more comprehensive suite of policies than most of the other Councils. Attachment no 7.9.2 shows that the number of discretionary policies vary significantly between Councils. In addition to Council approved policies there will normally be a suite of internal policies, guidelines, procedures and local laws. Councils can have different processes to decide whether a document is a Council policy, an internal policy, a procedure or a guideline.

8. Issues and Risk Management

Issues:

Issue 1: Lack of strategic direction

Strategy ensures that services have a road map for the future. They ensure that the service purpose is defined and understood and that the service is meeting current as well as understands the future needs and is able to respond and allocate resources appropriately. Council's Plan and the development of the 2022-2026 Council Plan will inform and set Council's future strategic direction and priorities.

Issue 2: Strategic priorities

A list of priority strategic work has been prepared as an outcome of this report. The priority list is based on benchmarking, service need and future impact on service delivery and the community. Development of strategy takes both time and resources (financial and non-financial). Consequently, allocating resources to the highest priority first is critical and will have the greatest overall impact.

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: Service strategies support the delivery of Strategy 2 *Build strong, healthy and vibrant communities through innovation and implementing best practice in service delivery for our diverse community* by identifying emerging trends and best practice approaches in service delivery.

Resilient Economy: No impact

Healthy Environment: Service strategies support the delivery of Strategy 1 *Strategically plan for future growth areas and existing communities while respecting our natural, built, social and economic environments* by planning to meet future and changing needs.

Balanced Services and Infrastructure: Service strategies support the delivery of Strategy 2 *Plan and advocate for services and infrastructure to meet community need* by planning to meet future and changing needs.

Responsible Management: Service strategies support the delivery of Strategy 4 *Enable the delivery of services, facilities and programs to the community through sound governance and fiscal responsibility*, by ensuring that the services are defined and understood and that the service is meeting current as well as understands the future needs and is able to respond and allocate resources appropriately.

Policies also support the delivery of Strategy 4 *Enable the delivery of services, facilities and programs to the community through sound governance and fiscal responsibility* by having a suite of policies which assists consistent and transparent decision making.

10. Consultation

Consultation has occurred with each of the relevant service managers to assist in identifying strategic gaps and current work.

7.10. Port Precinct Management Options Review

Author:

Ray Burton, Acting Chief Executive Officer

Attachments:

7.10 Port Precinct Plan 2018 defined precinct boundary.

1. Purpose

To advise Council of the recommendations of the Port Precinct Working Group regarding Terms of Reference for a review of future management options for the Port Precinct.

2. Recommendation

1. That Council note the Minutes of the three meetings of the Port Precinct Working Group (dated 13 September, 19 September and 4 October 2019) as presented to Council Briefing Session on 8 October 2019 and note and accept the recommendations contained therein.
2. That Council agree to undertake a review of future management options for the Port Precinct in accordance with the following Terms of Reference recommended by the Port Precinct Working Group:

Purpose:

- ***The Port Precinct Working Group was established by the Campaspe Shire Council by resolution dated 16 July 2019.***
- ***The purpose of the Working Group is to develop a term of reference for a possible future report to explore potential models for the management and operation of the Port of Echuca Precinct through an 'arms-length' management structure.***

Assumptions and Parameters:

It is noted that the Campaspe Shire Council (Council) has not made any decisions regarding changes to the future management of the Port of Echuca Precinct. The following assumptions and parameters will apply to the scope of the investigation/review:

- ***Council will retain an active ongoing role in the future management of the Port of Echuca.***
 - ***Council will retain responsibility for the ownership and management of the various freehold assets it owns in the Port Precinct all of which are located on Western side of Murray Esplanade.***
 - ***Council will retain responsibility for the ownership and management of the three Council owned paddle steamers being PS Pevensy, PS Adelaide, and PS Alexander Arbuthnot.***
 - ***Council will retain ownership of heritage assets including steam engines and other Port Precinct artefacts.***
 - ***Council will retain responsibility as asset manager for the streets, footpaths, public infrastructure and open spaces in the Port Precinct noting that in some cases Council has Committee of Management responsibility over Crown Land e.g. the Discovery Centre, the wharf and the Aquatic Reserve.***
-

- **Council will continue to auspice a Working Group to manage and oversee the investigation of the future management options for the Port Precinct.**
- **The funding of the investigation into Port Management Options will be shared between the Campaspe Shire Council, the Murray River Council and the Echuca Moama Alliance group.**
- **The scope of this investigation will assume that there is a broad consensus on the strategic direction for the Port Precinct as set out in the widely-accepted Port Precinct Plan Background Report (Hirst Projects May 2018) (the 'what').**
- **The Port Precinct is the land area defined in the Port Precinct Plan 2018 (Copy attached).**
- **To be clear the following is not included in the scope below:**
 - **Management of Murray River Moorings.**
 - **Management of buildings used for municipal or government purposes e.g., Council Library, Council Administration Centre, Magistrates Court, Pump House.**

Scope of Investigation:

- A. The scope of investigation is to include:**
- **A focus on alternative management and operational structures to deliver on the Port Precinct Plan 2018 vision for the Port (the 'how').**
 - **Review and consideration of Council policies and reports in relation to the Port Precinct as listed below.**
 - **Investigation of a status quo option with the Council remaining as manager.**
 - **Investigation of alternative 'arms-length' management models that may be applicable for the Port Precinct including (but not limited to):**
 - **Bendigo Tramways Trust**
 - **Sovereign Hill Ballarat**
 - **Mildura Heart**
 - **Swan Hill Pioneer Village.**
 - **Assessment of each alternative management model against the following criteria:**
 - **Operating structure- how it would work in practice**
 - **Role delineation/demarcation (Council/new entity?)**
 - **Governance**
 - **Costs/financial sustainability/funding sources**
 - **Accountability/reporting/KPIs**
 - **Risks (including competitive neutrality principles)**
 - **Costs and benefits**
 - **Evaluation of the following components of the current Port of Echuca operations (not necessarily exhaustive):**

- **All areas and assets on the east side of Murray Esplanade (including the Discovery Centre and Port facilities).**
- **The operation of the Port facility itself.**
- **All areas of public open space and foreshore area within the Port Precinct.**
- **Investigation of all aspects of the future management and operation of the Port of Echuca, including:**
 - **Policy and strategic planning and oversight**
 - **Communication, liaison and coordination between all parties with a role in the management and operation of the Port area**
 - **Asset, open space and infrastructure management and maintenance**
 - **Custodianship arrangements for heritage assets**
 - **Operation of the existing Discovery Centre (including employment of staff in relation thereto)**
 - **Use/operational lease of the Council-owned paddle steamers e.g. marketing, ticketing and staffing**
 - **Precinct marketing, promotion and activation**
 - **Event planning, scheduling, approvals and execution**
 - **Community engagement/business community engagement**
- **Investigation of the governance structure and management/staffing structure of preferred management models.**
- **Assessment of the likely costs and financial impact of the various model options on the Campaspe Shire Council.**
- **Investigation of future funding sources for any 'arms-length' management model.**
- B. Taking into account all of the above factors, the investigation will objectively weigh up the costs, benefits and risks (with reference to past reviews and reports) of all future management options and make a recommendation to Council.**

Background Documents:

Key background and policy documents to be considered include:

- **Council budget and financial reports for the Port area (Discovery Centre, general open space/foreshore maintenance etc.)**
- **Port Precinct Plan (2018)**
- **Port Precinct Background Report (2018)**
- **Discovery Centre Operational Review (Urban Enterprise 2016 Update)**
- **Council Report on Implementation of the Port Precinct Plan (20 August 2019)**
- **Echuca Moama Alliance Report -Future Management Options**

3. **That Council invite the Port Precinct Working Group as currently structured to manage and oversee the review of future management options for the Port Precinct and request the Working Group provide its final report to Council on or before 31 January 2020.**
4. **That Council request the Echuca Moama Alliance to manage the procurement process for any consultancy costs required to assist the Port Precinct Working Group in its review of the Port Precinct management options in accordance with the above Terms of Reference and that:**
 - d) **the Echuca Moama Alliance be requested to obtain a minimum of two quotations for any consultancy works required and that such quotations be sourced from suitably qualified consultants;**
 - e) **a Council representative be included on the Quotation Assessment Panel should the Port Precinct Working Party require consultancy assistance;**
 - f) **Council's financial contribution toward the above consultancy costs (if required) be a maximum of \$11,667.**

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

At its Ordinary Council Meeting on 16 July 2019, Council resolved:

1. *That Council note the formation of the Echuca Moama Alliance Working Group during 2018.*
2. *That Council request a working group be convened comprising:*
 - i. *Campaspe Shire Council – two (2) Councillors, one (1) staff member*
 - ii. *Echuca Moama Alliance – three (3) members of Echuca Moama Alliance*
 - iii. *Invite Murray River Shire Council to nominate one (1) Councillor and one (1) staff member onto the group.*
 - iv. *That all members of the working group are independent of Port businesses and entities.*
3. *The brief of the working group is to establish agreed terms of reference for the investigation of possible future models or options for the management of the Port of Echuca and the wider identified port precinct.*
4. *That the Chief Executive Officer be authorised to provide reasonable resources (up to \$10,000) as requested or required by the group to assist in its investigation.*

5. *That the working group report back to Council on its findings no later than 31 December 2019.*

The Working Group was established with the following membership:

- Campaspe Shire Council – Cr Leanne Pentreath, Cr John Zobec and Acting CEO Ray Burton
- Murray River Council – Mayor Cr Chris Bilkey and General Manager Des Bilske
- Echuca Moama Alliance – Michael Delahunty, Nina O'Brien and Craig Opie.

Three meetings of the Working Group have been held (13 September, 19 September and 4 October 2019) and the Working Group has now submitted its Terms of Reference for Council consideration as follows:

Purpose:

- *The Port Precinct Working Group was established by the Campaspe Shire Council by resolution dated 16 July 2019.*
- *The purpose of the Working Group is to develop a term of reference for a possible future report to explore potential models for the management and operation of the Port of Echuca Precinct through an 'arms-length' management structure.*

Assumptions and Parameters:

It is noted that the Campaspe Shire Council (Council) has not made any decisions regarding changes to the future management of the Port of Echuca Precinct. The following assumptions and parameters will apply to the scope of the investigation/review:

- *Council will retain an active ongoing role in the future management of the Port of Echuca.*
- *Council will retain responsibility for the ownership and management of the various freehold assets it owns in the Port Precinct all of which are located on Western side of Murray Esplanade.*
- *Council will retain responsibility for the ownership and management of the three Council owned paddle steamers being PS Pevensey, PS Adelaide, and PS Alexander Arbuthnot.*
- *Council will retain ownership of heritage assets including steam engines and other Port Precinct artefacts.*
- *Council will retain responsibility as asset manager for the streets, footpaths, public infrastructure and open spaces in the Port Precinct noting that in some cases Council has Committee of Management responsibility over Crown Land e.g. the Discovery Centre and wharf.*
- *Council will continue to auspice a Working Group to manage and oversee the investigation of the future management options for the Port Precinct.*
- *The funding of the investigation into Port Management Options will be shared between the Campaspe Shire Council, the Murray River Council and the Echuca Moama Alliance group.*
- *The scope of this investigation will assume that there is a broad consensus on the strategic direction for the Port Precinct as set out in the widely-accepted Port Precinct Plan Background Report (Hirst Projects May 2018) (the 'what').*
- *The Port Precinct is the land area defined in the Port Precinct Plan 2018 (Copy attached).*

Scope of Investigation:

C. *The scope of investigation is to include:*

- *A focus on alternative management and operational structures to deliver on the Port Precinct Plan 2018 vision for the Port (the 'how').*
- *Review and consideration of Council policies and reports in relation to the Port Precinct as listed below.*
- *Investigation of a status quo option with the Council remaining as manager.*
- *Investigation of alternative 'arms-length' management models that may be applicable for the Port Precinct including (but not limited to):*
 - *Bendigo Tramways Trust*

- *Sovereign Hill Ballarat*
 - *Mildura Heart*
 - *Swan Hill Pioneer Village.*
 - *Assessment of each alternative management model against the following criteria:*
 - *Operating structure- how it would work in practice*
 - *Role delineation/demarcation (Council/new entity?)*
 - *Governance*
 - *Costs/financial sustainability/funding sources*
 - *Accountability/reporting/KPIs*
 - *Risks*
 - *Costs and benefits*
 - *Evaluation of the following components of the current Port of Echuca operations (not necessarily exhaustive):*
 - *All areas and assets on the east side of Murray Esplanade (including the Discovery Centre and Port facilities).*
 - *The operation of the Port facility itself.*
 - *All areas of public open space and foreshore area within the Port Precinct.*
 - *Investigation of all aspects of the future management and operation of the Port of Echuca, including:*
 - *Policy and strategic planning and oversight*
 - *Communication, liaison and coordination between all parties with a role in the management and operation of the Port area*
 - *Asset, open space and infrastructure management and maintenance*
 - *Custodianship arrangements for heritage assets*
 - *Operation of the existing Discovery Centre (including employment of staff in relation thereto)*
 - *Use/operational lease of the Council-owned paddle steamers e.g. marketing, ticketing and staffing*
 - *Precinct marketing, promotion and activation*
 - *Event planning, scheduling, approvals and execution*
 - *Community engagement/business community engagement*
 - *Investigation of the governance structure and management/staffing structure of preferred management models.*
 - *Assessment of the likely costs and financial impact of the various model options on the Campaspe Shire Council.*
 - *Investigation of future funding sources for any 'arms-length' management model.*
- D. *Taking into account all of the above factors, the investigation will objectively weigh up the costs, benefits and risks (with reference to past reviews and reports) of all future management options and make a recommendation to Council.*

Background Documents:

Key background and policy documents to be considered include:

- *Council budget and financial reports for the Port area (Discovery Centre, general open space/foreshore maintenance etc.)*
- *Port Precinct Plan (2018)*
- *Port Precinct Background Report (2018)*

- *Discovery Centre Operational Review (Urban Enterprise 2016 Update)*
- *Council Report on Implementation of the Port Precinct Plan (20 August 2019)*
- *Echuca Moama Alliance Report -Future Management Options*

There are some key understandings built into the above Terms of Reference with respect to Council's future involvement and responsibilities in the Port Precinct should a new management and operational entity be proposed, these being:

- Council will retain ownership and management responsibility for the various assets it owns or has Committee of Management responsibility for in the Port Precinct including Freehold property; heritage assets (including steam engines, artefacts and the wharf); the three paddle steamers (PS Adelaide, PS Alexander Arbuthnot, PS Pevensey); and the Discovery Centre.
- Council will retain responsibility as asset manager for public infrastructure and open spaces in the Port Precinct;
- Council will retain an active ongoing role in whatever entity maybe proposed.

It is recommended that Council extends the role of the Port Precinct Working Group, as currently structured, to manage and oversee the review of future management options for the Port Precinct as outlined in the Terms of Reference and require the Working Group to provide its final report back to Council by 31 January 2020.

It is likely the Port Precinct Working Group will require external consultancy assistance to undertake its review. The Echuca Moama Alliance has offered to undertake and manage the procurement process for such consultancy and in order to ensure transparency and due process around the consultancy procurement it is recommended that Council require a minimum of two quotations be received from suitably qualified consultants and that a Council representative be included on the Quotation Assessment Panel.

The Port Precinct Working Group has recommended that the cost of any consultancy works required to undertake the Terms of Reference be shared between the Echuca Moama Alliance group and the Campaspe and Murray River Councils.

There has been some media coverage of Murray River Council's deliberations at its last Council meeting about its involvement in the Port Precinct Working Group and its financial contribution to this project. It is understood those deliberations related to Phase 1 of the review (being the development of a Terms of Reference). Phase 1 is now complete, and the Echuca Moama Alliance has met the cost of some minor consultancy works that were involved with Phase 1. Phase 2 of the review (being the conduct of the review in accordance with the Terms of Reference) will now be referred to the Murray River Council for consideration of financial contribution and inclusion of representation on the Port Precinct Working Group.

Much has been said about community and business engagement in the proposed review of the Port Precinct management options. As the Terms of Reference is currently drafted there will not be community or business engagement during the review process as it is considered such engagement should be the responsibility of the Council rather than an arm's length entity (being the Working Group). It will be necessary for Council to establish a community engagement strategy once the recommendation of a preferred management model is presented to Council for consideration.

Finally, it cannot be assumed that the review of management options proposed through the Terms of Reference listed above will recommend a change to the current Port Precinct management arrangements. The scope of the review includes the option of maintaining the status quo.

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.

Should Council determine not to proceed with the review proposed through the Terms of Reference there will be reputational damage.

8. Options**Option 1: Proceed with the review as proposed in Terms of Reference**

Council resolve to proceed with the review of management options for the Port Precinct as proposed in the Terms of Reference recommended to Council. The Port Precinct Working Group would be charged with the responsibility of managing and overseeing the review. This review may require external resource support to analyse the various models that have been identified and the Echuca Moama Alliance would manage this external resource procurement. The Working Group would be required to recommend a preferred management model by 31 January 2020.

This option is recommended.

Option 2: Not proceed with the review

Council would thank the Port Precinct Working Group for its work to date and not proceed with the review recommended. Council would continue to manage the Port Precinct as it does currently. There would be a substantial reputational risk with this option.

This option is not recommended by officers however it must be noted that the final recommendation from the Working Group could be to maintain status quo.

Option 3: Council to undertake the review without oversight of the Port Precinct Working Group

This option would require considerable Council staff time in managing and overseeing the project and would still require external resource support. Council would likely need to meet the full cost of any external resource support and the project would likely require a longer review period. There would be a perceived lack of 'independence' and transparency in the review. Potential reputational risk.

This option is not recommended by officers.

Option 4: Council to undertake the procurement process for external resource support

This option would may delay the project due to the procurement policy requirements and would require Officer time in managing the procurement process.

This option is not recommended by officers.

9. Strategic Planning Environments

Strong and Engaged Communities	Council will engage with business and community once the recommendations of the Port Precinct Working Group have been received.
Resilient Economy	This review has arisen through concerns about the perceived economic viability of Port Precinct businesses and the broader region. The review will seek to provide the foundations to further strengthen the resilience of the regional economy.
Healthy Environment	Not applicable
Balanced Services and Infrastructure	Not applicable

Responsible Management

This review seeks to test Council's management of the Port Precinct and identify alternative models to enhance same.

10. ConsultationInternal consultation:

Internal consultation has been had with the Executive Management Group and the Corporate Strategy Manager.

External consultation:

The Echuca Moama Alliance Group has business and community membership and has had representation on the Port Precinct Working Group.

The Murray River Council has been represented on the Port Precinct Working Group.

Councillors:

Councillor briefings have occurred during September and October with a detailed briefing at the 8 October Briefing Session.

7.11. Local Government Rating Systems Review

Author:

Fleur Cousins, General Manager Corporate Services

Attachments:

7.11. Draft Response

1. Purpose

For Council to approve and submit the draft submission to the Local Government Rating System Review attached as Attachment 7.11.

2. Recommendation

That Council approve and submit the draft response at Attachment 7.11 to the Local Government Rating System Review.

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

In June 2019, the Minister for Local Government announced the formation of a Ministerial Panel (the Panel) to conduct a review of the Local Government Rating System.

The terms of reference for the review were to “*examine the current application of rates and charges by local government in Victoria, including:*

- *Current local government rates and charges levied under the Local Government Act and a number of other pieces of State legislation;*
 - *The rating system’s interaction with the State’s taxation, valuation and other systems;*
 - *Current rating exemptions and concessions;*
 - *The autonomy of local governments to apply the rating system to meet local needs;*
-

- *Current exemptions and discounts for local government rates and their application to various classes of land, including farm land, charitable status land and mining land;*
- *The impacts any recommended changes would have on councils, businesses and various classes of ratepayers.”¹*

The Panel is comprised of three members and consultation commenced on 29 July 2019 and is scheduled to close on 1 November 2019.

¹ DELWP Local Government Rating System Review (<https://engage.vic.gov.au/rating-review>)

7. Content

The collection of rates and charges by local councils is a necessary source of funds to contribute to provision of a diverse range of services and the management of local infrastructure from roads and drainage through to recreation reserves and community halls. Councils generate further income through user fees and charges and the sourcing of grants.

The design of the rating system is imperative to ensure that it remains simple, efficient and equitable for all ratepayers, having regard to capacity to pay. The review of the rating system provides an opportunity to look at the system and ensure these principles are achieved.

A discussion paper was released by the Panel to inform the consultation process that commenced on 29 July 2019. This discussion paper provided an overview of the current system as well as asked a range of questions of both Councils and individuals. A copy of this discussion paper can be found at <https://engage.vic.gov.au/rating-review>.

Having considered the discussion paper, a draft response has been prepared for Council to submit to the review, refer Attachment 7.11. The response includes the following key themes:

- The principles of efficiency, horizontal and vertical equity, simplicity and sustainability to be the basis of the Rating System.
- Collection of rates is a key foundation and pillar to financial sustainability and requires consistency and stability for long term planning.
- The rating system needs a balance of fixed and variable components that can be tailored to meet diverse communities across Victoria.
- Recommends one rating model – differential rating with capital improved value system
- Rating model needs to be based on best use of land before ownership is considered
- Differential classes should be defined using a legislative instrument that is time bound and reviewed, providing Councils with the flexibility of determining which classes are to be used within their municipality.
- Increase the variance between highest and lowest to six times (currently 4) providing for greater horizontal equity between classes of differentials
- All residences whether occupied or unoccupied to be rateable
- Retain service rate or service charge provisions. Waste Service Charge to be considered more broadly to cover costs of volatile sector and allow for excess funds to be held in reserve for expenditure on waste costs to allow a smoothing effect rather than unpredicted volatility in charges for ratepayers.
- Retain special rate or charge provisions
- Recourse for correction of errors to be capped at 3 years, recognising the mutual obligations of Council and rate payers' to confirm accuracy of rates notice.

- System is also to be administered in an efficient and consistent way

As part of the consultation process, the Panel has convened a range of public meetings around the state to meet with Council representatives and members of the public. The Mayor and General Manager Corporate Services attended a Council session with the Panel on Wednesday 2 October 2019 and discussed the key themes of the draft response with Panel members.

Once the consultation phase of the review is concluded on 1 November 2019, the Panel will consider all feedback and draft a final report. The final report of the Panel must be submitted to the Minister for Local Government by 31 March 2020.

8. Issues and Risk Management

Issues:

The response has considered a number of issues of the current rating system and proposes some recommendations to ensure the rating system can be applied consistently across Victoria while also allowing flexibility in the system for Councils to respond to the needs of local communities.

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 preparation and submission of a response to the Local Government Rating System Review demonstrates leadership and advocacy for a fair, equitable and sustainable rating system that can be applied consistently.

10. Consultation

Consultation has occurred internally with key stakeholders and Councillors were involved in the preparation of the draft response at the briefings held on 6 August 2019, 20 August 2019 and 1 October 2019.

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 September 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 September 2019:

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	3 September 2019	
Start time:	9:33am	Finish time: 4:21pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present & apologies 2. Declaration of Interests 3. Early Years Position Paper Discussion No. 2 4. Royal Life Saving Australia Changes to Guidelines for Safe Pool Operations 5. Public Open Space Provision Discussion No. 2 6. Event Attraction Discussion 7. MDA Membership Discussion 8. Delegation – Major Road Projects Authority 9. Toolleen - Axedale Road Discussion 10. Policy Review 11. Delegation – Kyabram Fauna Park 12. Paddlesteamer Update 13. CEO Employment & Contract Committee Update 	
Attendees		
Councillors	Adrian Weston (Mayor), Daniel Mackrell (9:33am – 3:08pm), Vicki Neele, Leanne Pentreath, Annie Vickers, Leigh Wilson (9:33am – 3:08pm), John Zobec	
Staff	Ray Burton (9:33am – 4:01pm), Fleur Cousins (9:33am – 4:21pm), Keith Oberin (9:36am – 4:09pm), Richard Conway (9:33am – 4:21pm), Sharolyn Taylor	
Apologies		
Councillors	Cr Neil Pankhurst (approved leave of absence), Cr Kristen Munro	
Staff	Paul McKenzie	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
Nil		

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	10 September 2019	
Start time:	9:34am	Finish time: 4:55pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present & apologies 2. Declaration of Interests 3. Business Arising <ol style="list-style-type: none"> 3.1 Vandalism to Perking Meters 3.2 Echuca Cenotaph 4. Council Plan Review 5. Audit and Risk Committee Annual Report 6. Early Years Position Paper Discussion No. 3 7. Policy Review 8. Delegation – Victorian Planning Authority 9. Delegation – Mineral Development Victoria 10. Council Marina Moorings 11. Skills Demand Profile Joint Project 12. Delegation – Echuca Moama Tourism 13. Briefing Review 	
Attendees		
Councillors	Vicki Neele (Deputy Mayor), Daniel Mackrell, Kristen Munro, Neil Pankhurst, Leanne Pentreath, Annie Vickers, Leigh Wilson, John Zobec (2:30pm – 4:55pm)	
Staff	Fleur Cousins, Keith Oberin (9:34am – 4:55pm), Paul McKenzie (9:35am – 2:56pm), Richard Conway (9:34am – 4:55pm), Sharolyn Taylor	
Apologies		
Councillors	Cr Adrian Weston (approved leave of absence), Cr John Zobec (9:34am – 2:30pm)	
Staff	Ray Burton	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
10	Cr Vickers	Yes
10	Cr Munro	Yes

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	17 September 2019	
Start time:	12:32pm	Finish time: 3:40pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present & apologies 2. Declaration of Interests 3. Business Arising 4. Audit & Risk Committee Chair Report 5. Council Meeting Agenda – Open Q & A 6. Council Meeting Agenda – Confidential Q & A 7. Monthly Performance Reporting – Operational Reports 8. Monthly Performance Reporting – Financial Report 9. Monthly Performance Reporting – Procurement Report 10. Monthly Performance Reporting – Capital Works 11. Monthly Performance Reporting – Council Resolutions for Action 12. Briefing Minutes Review 13. Future Meetings 14. Councillor Portfolio and Committee Updates, Reports from Conferences and Training attended 15. General Discussion and Question Time <ol style="list-style-type: none"> 15.1 Echuca Moama Tourism Update 15.2 Port Precinct Working Group 15.3 Kyabram Fauna Park 15.4 Project Management 16. Briefing Review 	
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, Cr John Zobec	
Staff	Ray Burton, Fleur Cousins, Keith Oberin, Richard Conway, Paul McKenzie, Sharolyn Taylor	
Apologies		
Councillors	Cr Kristen Munro, Cr Vicki Neele (approved leave of absence)	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
5 -18.1	Cr Vickers	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:

- Campaspe Cohuna LLEN – thank you to Samantha Ferrier, Environmental Education Officer for supporting the Echuca Moama Youth Expo with an environmental stall. The day was a major success and your involvement is appreciated.
- Goulburn Murray Landcare Network – thank you to Allison McCallum, Environmental Project Officer – Conservation, for her assistance with the roadside revegetation planning along O’Dea Road, Koyuga. 450+ shrubs and grasses have been planted and the Koyuga Landcare Group members will water these over the coming warmer months.
- Echuca Neighbourhood House Inc. – thank you for the quick response to the call for a letter of support for a recent application to the Hon Damian Drum National Party for major works at the Back 9 Golf Club.
- Neville Hunter, Kyabram – thank you for cleaning up the walking track on South Boundary Road, Kyabram. It is very much appreciated as it makes the track much safer for use by cyclists, walkers and joggers.
- Echuca Moama Beacon Foundation Inc. – thank you to Brigid Dullard, Youth Engagement Officer/Paramount Bookings for conducting Mock Interviews on 13 September for Beacon Leaders and the St Joseph’s College Year 9 students.

The students are very thankful for the time and effort put into the mock interviews as the constructive feedback proves to be very helpful when looking for a job.

- Lena, Kyabram – Kyabram is a great place and kept lovely by the Council workers.

Recommendation

That Council note letters of thanks and appreciation as listed.

8.3. Responsive Grants Program**Author:**

Bobbi Aitken, Civic Events & 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 note the following grant has been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:

- **Kyabram Urban Landcare Group – \$900 to assist with the mulching of fallen trees, bushes and branches following storm damage in Ern Miles Reserve and Trotting Track 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 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
Kyabram Urban Landcare Group	\$900	\$900	to assist with the mulching of fallen trees, bushes and branches following storm damage in Ern Miles Reserve and Trotting Track Reserve	Approved by CEO – meets assessment criteria

Fund Balance Prior to application approval:	\$22,779
Funding approved:	\$900
2019/2020 Fund Balance: (15 October 2019)	\$21,879

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. Annual Report 2018-2019

Author:

Sandra Ennis, Communications Manager

Attachments:

8.4 Annual Report 2018-2019

1. Purpose

To consider the Annual Report for the year ended 30 June 2019 as required by section 134 of the *Local Government Act 1989*.

2. Recommendation

That Council receive the Annual Report for the year ending 30 June 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 131 of the *Local Government Act 1989* requires Council to prepare an Annual Report and submit it to the Minister within three months of the end of each financial year. The report must contain:

- a. a report of operations of the Council;
- b. an audited performance statement;
- c. audited financial statements;
- d. a copy of the auditor's report on the performance statement, prepared under section 132;
- e. a copy of the auditor's report on the financial statements under part 3 of the *Audit Act 1994*;
- f. any other matter required by the regulations.

The Minister for Local Government has been provided with a copy of the 2018-2019 Annual Report within the three month period as required.

The annual report will be made available to the community through the Council's website and a limited number of printed copies also to be made available.

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	The Annual Report details Council's performance during 2018-2019 against the Council Plan, Strategic Resource Plan and Budget. This is the second year of reporting against the 2017-2021 Council Plan. Importantly the report contains the audited financial and performance statements.

9. Consultation

The document was compiled following input from across the organisation. In line with section 134 of the *Local Government Act*, the community has been advised that Council will consider the Annual Report 2018-2019 at this meeting by advertising in local papers and making the document available at customer service centres and on Council's website.

8.5. Monthly Financial Reporting

Author:

Ray Burton, Acting Chief Executive Officer

1. Purpose

To enable Council consideration of the level of financial reporting Council seeks to fulfil the responsibilities of a Councillor with respect to the oversight of Council's Budget and financial affairs.

2. Recommendation

That Council note the contents of this report and agree that the monthly financial reports supported by Council's procurement policy and governance processes around financial delegation and expenditure authorisation together with the ongoing financial monitoring by Council's External Auditor and Council's Audit and Risk Committee provide a sound basis upon which Council's fiduciary responsibilities can be met and that it is no longer necessary for Councillors to receive a monthly report on purchases over \$10,000 as previously required by Council resolution in Confidential minutes of meeting held 19 February 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

Council at its December 2018 Council meeting adopted the following Notice of Motion:

That all procurements, tenders and including cumulative procurements/tenders of value of \$10,000 or greater to be reported to Council monthly, commencing January 2019.

Council at its February 2019 Council meeting varied the above resolution requirement by resolving:

That Council ... Receive all future procurement spend reports comprising individual transactions of \$10,000 or greater within a month and cumulative suppliers spend of \$10,000 or greater within a financial year, as part of the monthly performance reporting at Councillor briefings.

The Acting CEO has raised concerns with Council on several occasions regarding the questionable value of the abovementioned report and presented on this matter to the 1 October Briefing Session. It takes considerable time to produce the procurement report thereby tying up the resources of staff and it does not provide information that can be presented in any context that will assist Councillors with their fiduciary responsibilities. It is superfluous information which can too easily be taken out of context.

Council has a substantial framework of controls and processes around its procurement expenditure, these include:

- An adopted Budget which gives authority for expenditure in the provision of services and programs
- A quarterly financial report against budget
- A monthly financial report against budget
- A Procurement Policy which instructs how procurement is to be undertaken
- Financial delegations to CEO and officers which limit expenditure authorities at different levels of the organisation
- Position Descriptions for management staff which require effective management of budgets under their responsibility
- An Internal Audit program which can target areas of concern and test internal controls
- An External Audit process which monitors all Council internal control systems around finance
- An Audit and Risk Committee which monitors on Council's behalf internal and external audit reporting, governance and also monitors Council's financial processes and reporting.

The above framework is in place to assist Councillors in understanding Council's financial systems and to have confidence in the veracity of Council's financial operations. In addition, there are statutory requirements of the Local Government Act and the Australian Accounting Standards.

Relevant Sections of the Local Government Act 1989 related to procurement and expenditure include:

- Section 140(2)(c) - Council has a duty to ensure that all money expended by the Council is correctly expended and properly authorised and under Subsection (g) to develop and maintain adequate internal control systems;
- Section 186 – requires that a competitive process be undertaken when a contract value is equal to or greater than \$150,000 for goods and services and \$200,000 for works;
- Section 186A - Council is required to establish a Procurement Policy and to review this Policy on an annual basis;
- Section 208B - Council is required to apply Best Value Principles with respect to provision of services;
- Section 208C - Value for Money principles are to be applied.

Since 1 July 2019 (commencement of new financial year) Council has been receiving a remodelled monthly financial report which provides substantial detail of the year to date expenditure and revenue against year to date budget. This report is provided in accordance with the general provisions of Section 136 of the Local Government Act concerning the principles of sound financial management.

With respect to procurement expenditure the remodelled monthly report compares budget to actual expenditure and lists reasons for variance at both higher Profit and Loss level and at Services level with 37 categories of services identified. This report can provide further expenditure breakdown if required.

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	Adoption of the recommendation will ensure Council focuses on its strategic role in implementing the Council Plan.

9. ConsultationInternal consultation:

- Executive Management Group

External consultation:

- Nil

Councillors:

- Councillors at the 1 October 2019 Council Briefing Session.

9. Councillor Reports

Cr Adrian Weston	
18 September	MOU signing - Campaspe Shire Council and Murray River Council
18 September	Dinner with Peter Walsh and Tim Smith (Shadow Minister Local Government and Planning and Heritage)
19 September	St Marys Echuca Year 5 Students Talk
19 September	Rushworth Senior Citizens 51st Birthday
21 September	Slow Echuca Moama Official Launch
22 September	Basketball Victoria Country Jamboree Opening Ceremony
23 September	Basketball Victoria Country Jamboree Parents Dinner
24 September	Campaspe Councillor/Community Biomix Site Tour
30 September	National Police Remembrance Day Service
2 October	Office Opening - Tania Maxwell MP
2 October	Local Government Rating Systems Review Hearing
3 October	Elmore Field Days
3 October	Murray River Council Mayor Meeting
5 October	Echuca Football Netball Club 2019 Vote Count and Presentation Night
7 October	Rushworth Shire Hall AGM
9 October	2019 GMCU Allianz Campaspe Murray Business Awards Gala Evening
10 October	CLRS AGM
11 October	"Energising Regional Australia"
11 October	Kyabram P12 Chaplaincy Annual Fundraising Dinner
12 October	2019 World Invitational Town Crier Tournament Welcome Reception
13 October	Kyvalley Tennis Club Grand Opening of Pick My Project - Synthetic Court Upgrade
13 October	2019 World Invitational Town Crier Tournament Awards Dinner
14 October	Meeting Gannawarra Mayor Re Kow Swamp Lions Park
14 October	Corop Community Action Group AGM

Cr Daniel Mackrell	
9 October	2019 GMCU Allianz Campaspe Murray Business Awards Gala Evening
12 October	2019 World Invitational Town Crier Tournament Welcome Reception

Cr Kristen Munro	
18 September	MOU signing - Campaspe Shire Council and Murray River Council
18 September	Dinner with Peter Walsh and Tim Smith (Shadow Minister Local Government and Planning and Heritage)
25 September	Echuca Community for the Aged 141st Annual Information Evening
30 September	National Police Remembrance Day Service
3 October	Echuca Moama Artists 65th Anniversary Art Exhibition
5 October	Echuca Football Netball Club 2019 Vote Count and Presentation Night
9 October	Steps AGM
10 October	CLRS AGM
12 October	2019 World Invitational Town Crier Tournament Welcome Reception
13 October	Kyvalley Tennis Club Grand Opening of Pick My Project - Synthetic Court Upgrade

Cr Vicki Neele

Cr Neil Pankhurst

18 September	MOU signing - Campaspe Shire Council and Murray River Council
18 September	Dinner with Peter Walsh and Tim Smith (Shadow Minister Local Government and Planning and Heritage)
30 September	National Police Remembrance Day Service
2 October	Elmore Field Days
9 October	2019 GMCU Allianz Campaspe Murray Business Awards Gala Evening
10 October	Campaspe Murray Mental Health Network Mental Health Cruise
11 October	Seasonal Outlook in the Southern Murray-Darling Basin

Cr Leanne Pentreath

18 September	MOU signing - Campaspe Shire Council and Murray River Council
19 September	Port Precinct Working Group Meeting
24 September	Basketball Victoria Country Jamboree Closing Ceremony
30 September	National Police Remembrance Day Service
4 October	Port Precinct Working Group Meeting
7 October	EMFM
9 October	Seniors Week Concert
9 October	2019 GMCU Allianz Campaspe Murray Business Awards Gala Evening
10 October	Campaspe Murray Mental Health Network Mental Health Cruise
10 October	Lockington & District Bush Nursing Centre Inc AGM
12 October	2019 World Invitational Town Crier Tournament Welcome Reception
14 October	Meeting Gannawarra Mayor Re Kow Swamp Lions Park

Cr Annie Vickers

18 September	MOU signing - Campaspe Shire Council and Murray River Council
18 September	Dinner with Peter Walsh and Tim Smith (Shadow Minister Local Government and Planning and Heritage)
2 October	Elmore Field Days
3 October	Echuca Moama Artists 65th Anniversary Art Exhibition
5 October	Echuca Football Netball Club 2019 Vote Count and Presentation Night
9 October	Steps AGM
9 October	2019 GMCU Allianz Campaspe Murray Business Awards Gala Evening
10 October	Campaspe Murray Mental Health Network Mental Health Cruise
10 October	Women in Leadership - Leading Change

Cr Leigh Wilson

24 September	Campaspe Councillor/Community Biomix Site Tour
3 October	Rochester Car Club AGM

Cr John Zobec	
18 September	Dinner with Peter Walsh and Tim Smith (Shadow Minister Local Government and Planning and Heritage)
4 October	Port Precinct Working Group Meeting
11 October	Kyabram P12 Chaplaincy Annual Fundraising Dinner
12 October	St Augustine's College Opening of Brigidine Memorial Garden
13 October	Kyvalley Tennis Club Grand Opening of Pick My Project - Synthetic Court Upgrade

Recommendation

That the Councillor Reports be noted.

10. Chief Executive Officer's Report

Activities and meetings attended since the previous Council meeting

- Signing of Memorandum of Understanding with Murray River Council
- Meeting with Member for Northern Plains and Shadow Minister for Local Government and Planning and Heritage
- Port Precinct Working Group meetings
- Meeting with CEO C4EM
- Project discussions with with Member for Northern Victoria, Mark Gepp
- Preparations for new CEO, Declan Moore's arrival and Induction
- Various orientation and induction meetings for new CEO

Recommendation

That the Chief Executive Officer's report be noted.

11. Petitions and Letters

11.1. Petition Response – Removal of Trees in Front of Njernda Medical Centre, Echuca

Author:

Brenton Hull, Parks & Gardens Coordinator

Responsible Manager:

Public Environments Manager

Attachments:

11.1. Tree Report

11.2. Petition

1. Purpose

To advise Council of a petition received regarding a request to remove nature strip trees from the front of the Njernda Medical Centre, McKinlay Street Echuca.

2. Recommendation

That Council:

1. **Note receipt of the petition.**
 2. **Respond to the Chief Petitioner advising of Council's intention to remove the two Queensland Brush Box trees and to undertake remedial works on the Silky Oak tree.**
-

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

On 30 July 2019 Council received a petition from 137 signatories regarding the removal of hazardous trees from the front of the Njernda Medical Centre.

Njernda Medical Centre is located at 84 Hare St Echuca, on the corner of Hare and McKinlay Streets. Njernda owns a number of buildings that front McKinlay street and that are adjacent to mature nature strip trees. The concrete footpath as well as the pram crossings that serve the disabled parking bay on McKinlay street at the front of the Medical Centre have been subject to falling woody capsules from two Queensland Brush Box trees over several years. The woody capsules have caused slip, trip and fall issues for patients entering the medical centre. Njernda staff have reported that there have been occasions where patients have slipped and fallen and, in some instances, sustained injury. Medical centre staff have been sweeping the footpath on a regular basis to reduce the risk of such issues and the subsequent incidence of injury.

A large Silky Oak located in the next section of the nature strip is the third tree requested for removal by the petitioners. While this tree is not located close to the pram crossings that lead to the Medical Centre, it does overhang the footpath and the building line causing leaf and other materials to drop on the footpath and the roof of Njernda Aboriginal Corporations buildings.

7. Content

Council's Arboriculture Officer carried out an inspection on the trees in August 2019. The results of the inspection detail the health and structure of the trees as well as contribution that they make to the landscape. The report recommends that all three trees are retained, and remedial works are carried out to reduce the dropping of woody capsules on the footpath and pram crossings. A further review of the site by Parks and Gardens staff indicates that the removal off the two Queensland Brush Box trees will provide a much safer and permanent treatment option.

Retaining the Silky Oak, with remedial works to reduce overhang of the building line and footpath will significantly reduce dropping material and will continue to maintain the landscape and environment, while providing shade and shelter to medical centre visitors, pedestrians and adjacent buildings.

8. Issues and Risk Management

Issues:

Issue 1: Balancing the risk of trip hazards with maintaining a healthy green street scape is challenging. To address the risk, it will mean the removal of two mature trees in good health from the streetscape in order to mitigate risk of injury to the public who are using the McKinlay St footpath or attending the medical centre.

Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Falling woody capsules	likely	Slips, trips, falls possibly resulting in injury to community members	high	removal

9. Options

Option 1: Option Title

Remove the two Queensland Brush Box trees either side of the pram crossing at the front of Njernda Medical Centre and retain the Silky Oak ensuring that required remedial works are carried out.

This option is recommended by officers.

Option 2: Option Title

Retain all three trees and carry out recommended remedial works. This option will not fully mitigate the risk of woody capsules falling onto the footpaths and pram crossing therefore the issue will partially remain.

This option is not recommended by officers.

10. Strategic Planning Environments

Strong and Engaged Communities	No impact
Resilient Economy	No impact
Healthy Environment	Trees make a significant contribution to the landscape and promote a healthy natural environment. All works are carefully considered to ensure minimum impacts to the environment while maximising community safety.
Balanced Services and Infrastructure	No impact
Responsible Management	No impact

11. Consultation

Internal consultation:

- Public Environments Manager
- General Manager Regulatory and Community Services
- Parks and Gardens Arboriculture Officer

External consultation:

- Njernda staff

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

Declan Moore

Chief Executive Officer