



# Council Agenda



**Campaspe**  
Shire Council

**Date:** 21 November 2023

**Time:** 6:00 pm

**Venue:** Echuca Civic Centre

**Photo Left to Right:** Cr Tony Marwood, Cr Colleen Gates (Deputy Mayor), Cr Paul Jarman, Cr Daniel Mackrell, Cr Rob Amos (Mayor), Cr Leanne Pentreath, Cr Chrissy Weller, Cr Adrian Weston and Cr John Zobec.

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For a meeting of the Campaspe Shire Council held on Tuesday 21 November 2023, commencing at 6:00 pm at the Council Chambers, Echuca Civic Centre.

## **Acknowledgement of Country**

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 emerging leaders as the Traditional Owners of this Country.

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

## **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

## **Meeting Procedures**

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

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.

# 1 Apologies and Requests for Leave of Absence

## 1.1 Apologies

Councillor Pentreath due to a leave of absence.

## 1.2 Leave of Absence

# 2 Confirmation of Minutes and Attachments

## RECOMMENDATION

**That the Minutes of the Campaspe Shire Council Meeting held on Tuesday 17 October 2023 and the Unscheduled Council Meeting held on Tuesday 14 November 2023 be confirmed.**

# 3 Disclosure of Conflicts of Interest

In accordance with Section 130(1)(a) of the *Local Government Act 2020* Councillors are required to disclose any conflict of interest in respect of a matter to be considered at a Council meeting.

# 4 Changes to the Order of Business

Once an Agenda has been published on the Council website, the Order of Business for that Council Meeting may only be altered as follows: -

- by the CEO prior to the commencement of the Council Meeting following consultation with the Mayor. Where the alteration occurs after the Agenda has been distributed to the public the alteration must be communicated to the Chair to explain the alteration at the Council Meeting under “changes to Order of Business”; or
- by the Chair during the Council Meeting; or
- by Resolution of the Council during the Council Meeting.

A change to the Order of Business after distribution of the Agenda to the public will be recorded in the Minutes of that Council Meeting.

# 5 Public Question Time

Question time will be available at a Council Meeting, except for an Unscheduled Meeting, to enable members of the public to address questions to Council.

All questions must: -

- be received in writing on either of the prescribed forms as outlined on Council’s website; and
- be received no later than 12:00pm (noon) on the day before the Council Meeting.

Please refer to Council’s Governance Rules for further information regarding Public Question Time procedures.

## **6 Petitions / Joint Letters**

## **7 Acknowledgements / Councillor Reports**

At each Ordinary Meeting, Councillors will have the opportunity to: -

- acknowledge significant community members and events. These may relate to notable achievements by community members and groups, and the offering of condolences to a person who has distinguished service in the local area.
- report on any meetings, conferences or events that they have recently attended; or
- report on any matters or progress in relation to a Delegated Committee they are part of.

The duration of any acknowledgement or report from a Councillor will be limited to two (2) minutes.

The CEO must be notified of any acknowledgment or report to be raised by a Councillor at a Council Meeting at least three (3) hours before the commencement of the Council Meeting.

## 8 Council Decisions

### 8.1 Responsible Authority Decisions

A Responsible Authority is defined under Section 13 of the *Planning & Environment Act 1987* and is responsible for administering and enforcing the planning scheme and its provisions in relation to use and development.

#### 8.1.1 Planning Decision Monthly Update

**Directorate:** Sustainability

**Responsible Officer:** Manager Planning and Building

**Manager:** Manager Planning and Building

**Attachments:** 1. Monthly Councillor Reporting October 2023 [8.1.1.1 - 4 pages]

#### 1. PURPOSE

The purpose of this report is to provide information on the determined planning applications including other planning decisions as of 31 October 2023.

#### 2. RECOMMENDATION

**That Council note the determined planning permit applications and other planning decisions, to 31 October 2023.**

#### 3. DISCUSSION

The snapshot provided below outlines the number of applications determined and processing times of determined planning permit applications for the month of October 2023.

The figures provided indicated that at the end of the reporting period:

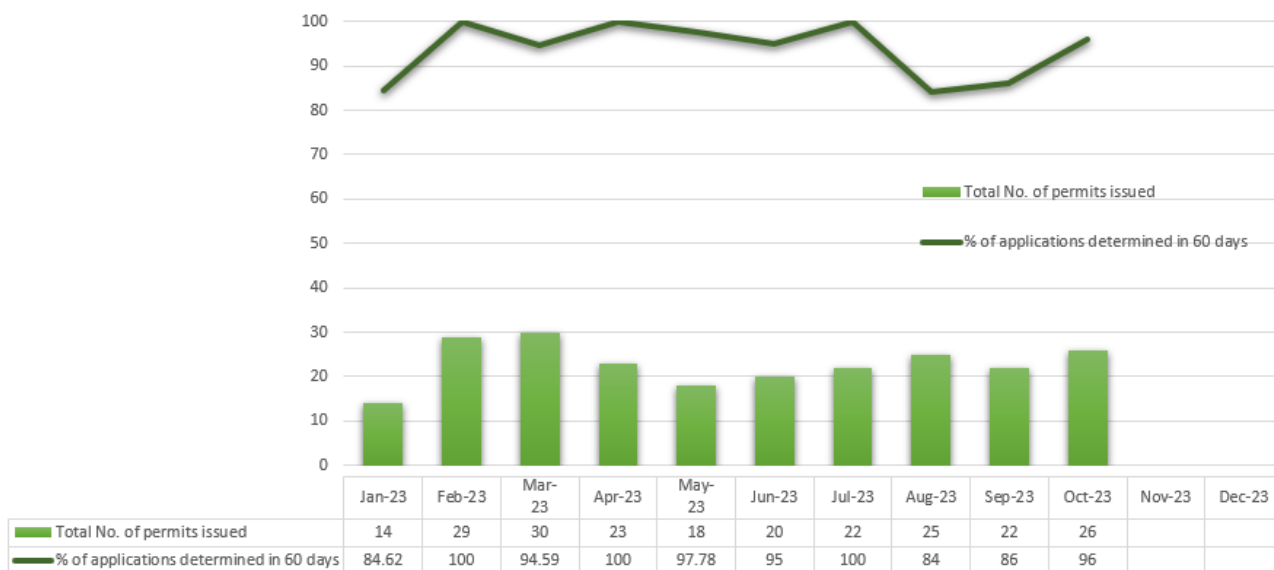
- 27 planning permit applications received (including VicSmart)
- 28 planning permits determined (including VicSmart)
- In total 48 planning decisions were processed with the following breakdown:
  - 26 planning permits determined.
  - 2 VicSmart planning permits determined.
  - 5 Secondary consents determined.
  - 3 Extensions of time determined.
  - 12 Condition plans determined.

The median processing of an application to determination was 40 days for the month of October.

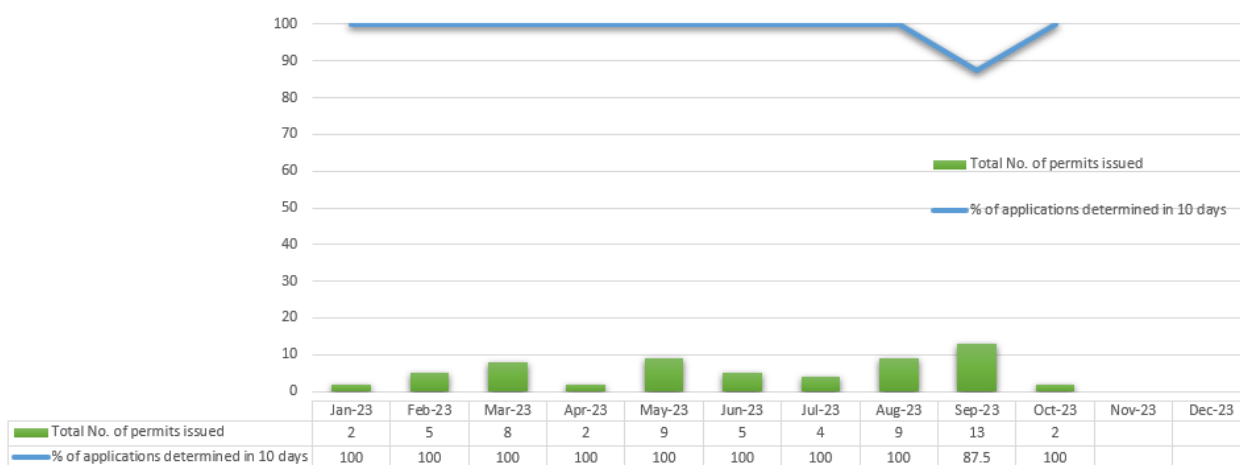
These results are extremely good, with 48 applications being processed over the month of September. Campaspe's percentage of applications determined in 60 days (96 percent) is significantly higher than the State average (61.76 percent).

Much the same with VicSmart applications, State average 79.34 percent, Campaspe 100 percent.

**APPLICATION NOS & % of APPLICATIONS IN 60 DAYS**



**VICSMART APPLICATION NOS & % of APPLICATIONS IN 10 DAYS**



It is noted that the statutory timeframe to determine an application within 60 days under the Planning and Environment Act 1987 includes mandated referral authority time and advertising. When reviewing the timeframes, consideration must be applied where the application has requested additional time to resolve matters for an improved outcome, resolving matters with referral authorities or where the additional information sought requires specialised skills.

Planning Applications are prioritised based on their complexity, being:

- P1 Applications – 10 Days (Vicsmart, no referrals, exempt from notice)
- P2 Applications – 11 – 45 Days (Referred, advertised, no objections)
- P3 Applications – 46 – 60 Days (Referred, advertised, received objections, consultation)

### Planning register

All planning permit applications are available on the planning register to view the progress of the application, check if further information is required, check for public notification and view decisions on applications: online [www.campaspe.vic.gov.au/Plan-build/Planning/Planning-register](http://www.campaspe.vic.gov.au/Plan-build/Planning/Planning-register).



## Delegate Decisions 01-Oct-2023 to 31-Oct-2023

Monthly Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN032/2023	Boundary realignment (dwelling excision) in the Farming Zone Schedule 1, Floodway Overlay, Land Subject to Inundation Overlay and Public Acquisition Overlay	3162 Midland Highway CARAG CARAG VIC 3623	PrmIssued
PLN078/2023	Development of the land for two (2) dwellings in the General Residential Zone	1 Garden Crescent ECHUCA VIC 3564	PrmIssued
PLN081/2023	Buildings and works (baffles and shelters) in association with an existing Section 2 use (pistol range) in the Farming Zone Schedule 2, Floodway Overlay, Environmental Significance Overlay – Schedule 1, and Restructure Overlay – Schedule RO1	Looker Road ECHUCA VILLAGE VIC 3564	Completed
PLN116/2023	Buildings and works (Dwelling Extension, carport, and front fence) and partial demolition in the Heritage Overlay Schedule HO62	62 Eyre Street ECHUCA VIC 3564	PlnRecvd
PLN134/2023	Boundary Realignment (dwelling excision) in the Farming Zone Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay	828 Peppertree Lane KYABRAM VIC 3620	PrmIssued
PLN176/2023	Buildings and works (replacement dwelling) Land Subject to Inundation Overlay and the Bushfire Management Overlay.	114 Pakenham Street ECHUCA VIC 3564	PrmIssued
PLN178/2023	Buildings and works (dwelling extension) in the Bushfire Management Overlay	72 Wharparilla Drive ECHUCA VIC 3564	PrmIssued
PLN185/2023	Buildings and works (dwelling extension) in the Land Subject to Inundation Overlay	23 Moore Street ECHUCA VIC 3564	Lapsed
PLN186/2023	Subdivision of the land into (4) four lots in the Industrial 1 Zone and Development Plan Overlay Schedule 9	6 King George Crescent ECHUCA VIC 3564	Refused
PLN188/2023	Buildings and works (demolition and new roof) in the Heritage Overlay Schedule 203	38 Moore Street ROCHESTER VIC 3561	PlnRecvd
PLN189/2023	Buildings and Works (dwelling extension) in the Land Subject to Inundation Overlay	109 Mackay Street ROCHESTER VIC 3561	PrmIssued
PLN192/2023	Buildings and Works (upgrade airside infrastructure) in the Special Use Zone Schedule 3	176 Mckenzie Road ECHUCA VIC 3564	PrmIssued
PLN193/2022.A	Staged use and development of the land for car wash, laundromat and warehouses in the Commercial 2 Zone and Design and Development Overlay Schedule 3, Access to a road in a Transport Zone 2, Internally illuminated signage and Native vegetation removal (5 trees) pursuant to Clause 52.17	87-95 Murray Valley Highway ECHUCA VIC 3564	Completed
PLN197/2023	Use and development of the land for a dwelling and agricultural shed in the Farming Zone Schedule 1	95 Poulson Road RUSHWORTH VIC 3612	PrmIssued
PLN210/2023	Subdivision of the land into two lots in the Commercial Zone 1	29-31 Nish Street ECHUCA VIC 3564	PrmIssued

PLN212/2023	Buildings and works (Crop raising) in the Land Subject to Inundation Overlay	118 Baynes Street ROCHESTER VIC 3561	PrmIssued
PLN213/2023	Buildings and works (open sided outbuilding) in the Urban Floodway Zone	17 Henry Street ECHUCA VIC 3564	Withdrawn
PLN214/2023	Buildings and works (Agricultural shed) in the Farming Zone Schedule 1	Kelsh Road ECHUCA VIC 3564	PrmIssued
PLN216/2023	Buildings and works (shade sails) in the Heritage Overlay Schedule HO134	8 Weller Road LANCASTER VIC 3620	PrmIssued
PLN217/2023	Native vegetation removal pursuant to Clause 52.17	1083 Mason Road GIRGARRE VIC 3624	Withdrawn
PLN218/2023	Buildings and works (machinery shed) in association with an existing Section 2 Use in the Farming Zone Schedule 1	118 Hipwell Road GUNBOWER VIC 3566	PrmIssued
PLN241/2023	Buildings and works (Mural) in the Public Use Zone Schedule 6	55 Mangan Street TONGALA VIC 3621	PrmIssued
PLN251/2023	Buildings and works (Carport) Land subject to inundation overlay	13 James Street ECHUCA VIC 3564	NotReq
PLN295/2022	Buildings and works for two dwellings in the General Residential Zone, Bushfire Management Overlay Schedule 1, Heritage Overlay (HO87), Land Subject to Inundation Overlay, and Vegetation removal and demolition in the Heritage Overlay	31 Watson Street ECHUCA VIC 3564	Refused
PLN340/2022	Staged subdivision of the land into ten (10) lots in the General Residential Zone and removal of native vegetation (2 trees) pursuant to Clause 52.17	9-19 Forrest Street KYABRAM VIC 3620	PmtNOD
PLN425/2021.A	Buildings and works (extension and alteration to clubhouse and Storage Sheds) in the Public Park and Recreation Zone and Land Subject to Inundation Overlay	Kyabram Racecourse Recreation Reserve 2 Racecourse Road KYABRAM VIC 3620	PmtAmend

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## Monthly Determined - VicSmart

Application ID	Full Details	Property Address	Stage/Decision
PLN204/2023	VICSMART - Buildings and works (external painting and front fence) in the Heritage Overlay Schedule HO03	359 High Street ECHUCA VIC 3564	PrmIssued
PLN235/2023	VICSMART - Buildings and works (cafe) in association with the existing aged care facility in the General Residential Zone and Land Subject to Inundation Overlay	Lake Road KYABRAM VIC 3620	PrmIssued

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## Secondary Consent Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN011/2021	AMENDMENT - Development of the Land for Three (3) Dwellings and Subdivision of the Land into Three (3) Lots in the General Residential Zone	127 Stawell Street ECHUCA VIC 3564	PmtAmend
PLN080/2020	Use and development of the land for a dwelling in the Farming Zone Schedule 2	566 Henderson Road TONGALA VIC 3621	PmtAmend
PLN204/2021	Boundary realignment in the General Residential Zone	137 Campaspe Esplanade ECHUCA VIC 3564	EOTCompleat
PLN226/2023	VICSMART - Buildings and works (dwelling and outbuilding) in the Land Subject to Inundation Overlay	Menzies Road ECHUCA VIC 3564	PmtAmend

PLN404/2020	Use and development of the land for Motor Vehicle Sales, Internally Illuminated pylon sign and Business Identification Signage in the Commercial 2 Zone and Design and Development Overlay Schedule 3, reduction of car parking pursuant to Clause 52.06 and creation of access to Road Zone Category 1 pursuant to Clause 52.29	82 Northern Highway ECHUCA VIC 3564	Completed
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## Extension of Time Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN188/2018	Development of the Land for two dwellings in General Residential Zone	7 North Street ECHUCA VIC 3564	EOTComple
PLN204/2021	Boundary realignment in the General Residential Zone	137 Campaspe Esplanade ECHUCA VIC 3564	EOTComple
PLN224/2019	Building and works (Dwelling extension) in the Rural Activity Zone	293 Farley Road TORRUMBARRY VIC 3562	EOTComple

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## Condition Plans Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN063/2023	Building & works (alterations to building) in the Commercial 2 Zone and Design and Development Overlay Schedule 3 and Business Identification Signage pursuant to Clause 52.02	7-9 Murray Valley Highway ECHUCA VIC 3564	Completed
PLN068/2023	Buildings and Works (shed extension) Industrial 1 Zone	30 Mcmillan Road ECHUCA VIC 3564	Completed
PLN080/2023	Buildings and works (Extension and Alteration to existing building) in the Land Subject to Inundation Overlay and reduction of car parking requirements pursuant to clause 52.06	86-96 Fenaughty Street KYABRAM VIC 3620	Completed
PLN089/2023	Development of the land for trade supplies in the Commercial 2 Zone and the Design and Development Overlay Schedule 3 and Business Identification Signage pursuant to Clause 52.02	Fact 2/1-5 Murray Valley Highway ECHUCA VIC 3564	PlnRecvd
PLN172/2022	Subdivision of the land in the General Residential Zone and Development Plan Overlay Schedule 2	Breen Avenue KYABRAM VIC 3620	PlnRecvd
PLN185/2022	Subdivision of Land into 59 Lots in the General Residential Zone, Land Subject to Inundation Overlay and alteration of access to a Transport Zone 2 and removal of an easement (E-1 on Lot 1 of LP41356 and E-1 of Lot 2 of LP88826) pursuant to Clause 52.02	413 Allan Street KYABRAM VIC 3620	Completed
PLN204/2021	Boundary realignment in the General Residential Zone	137 Campaspe Esplanade ECHUCA VIC 3564	EOTComple
PLN225/2023	VICSMART - Buildings and works (pergola) in association with existing section 2 use in the General Residential Zone	21 Hartshorn Drive ECHUCA VIC 3564	PrmIssued
PLN247/2022	Use and development of the land for Rural Worker Accommodation in the Farming Zone Schedule 1	167 Henderson Road TONGALA VIC 3621	Completed
PLN347/2022	Boundary realignment in the Farming Zone Schedule 2	134 Murrumba Road KYABRAM VIC 3620	Completed
PLN394/2022	Use and development of the land for an Education Centre (child care centre and kindergarten and ancillary maternal child health facility) in the Special Use Zone Schedule 2 and Business Identification Signage pursuant to Clause 52.05	88 Wilkinson Drive ECHUCA VIC 3564	PlnRecvd

PLN425/2021	Buildings and works (extension and alteration to clubhouse) in the Public Park and Recreation Zone and Land Subject to Inundation Overlay	Kyabram Racecourse Recreation Reserve 2 Racecourse Road KYABRAM VIC 3620	PlnRecvd
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## 8.1.2 PLN064/2023 10 Mount Terrick Road Echuca

<b>Directorate:</b>	Sustainability
<b>Responsible Officer:</b>	Acting Planning Team Leader
<b>Manager:</b>	Director Sustainability
<b>Attachments:</b>	1. Attachment Conditions

### 1. PURPOSE

An application has been received relating to land at 10 Mount Terrick Road Echuca for *'Use and development of the land for a medical centre, restricted recreation facilities (gym and swim school) and an education centre in the General Residential Zone and Bushfire Management Overlay with internally illuminated Business Identification Signage pursuant to Clause 52.05, reduction of car parking pursuant to Clause 52.06 and Native vegetation removal pursuant to Clause 52.17'*. The application was advertised, and 6 objections have been received. The application has been assessed against the provisions of the Campaspe Planning Scheme and is recommended for approval subject to conditions. This report outlines the proposal, assessment and officers' recommendation for Council's consideration.

### 2. RECOMMENDATION

#### That Council

- 1. Having considered the application on its merits and objections received, resolves to issue a Notice of Decision to grant a permit for PLN064/2023 subject to conditions outlined in Attachment 1.**

### 3. DISCUSSION

#### 3.1 Proposal

This application seeks approval for the use of the land for child care, medical centre and restricted recreation facility purposes pursuant to Clause 32.08-2; buildings and works associated with a Section 2 use pursuant to Clause 32.08-9, buildings and works pursuant to Clause 44.06-2, display advertising signage pursuant to Clause 52.05, reduce the statutory car parking requirements pursuant to Clause 52.06, and remove native vegetation pursuant to Clause 52.17.

The proposal will comprise three separate buildings and a central car park. The buildings will comprise:

- A medical centre and a gym (restricted recreation facility) located within the northern part of the site;
- Swim school (restricted recreation facility) school located in the south-east corner of the site; and
- A childcare centre (120 places) located in the western part of the site.

All buildings will be setback from the site boundaries. Vehicle access to the site will be located off Mount Terrick Road via a double-width crossover.

Landscaping will be provided with landscaping proposed along the southern boundary; eastern edge of the childcare centre; Murray Valley Highway opposite the gym; within the car park area and in the south-east corner of the site.

A 2.0 metre high acoustic fence will be located along the western boundary of the childcare centre.

The childcare, medical and gym refuse areas are located at the northern end of the childcare centre play area. The swim school refuse is located north of the swim school. All refuse areas are set back from the site boundaries.

Details of the proposal include:

### **Medical Centre / Gym**

- The medical centre will be co-located with the proposed gym;
- Total site area – 1,816sqm;
- Separate pedestrian entries will be provided to the medical centre and gym;
- Murray Valley Highway setback – 4.27 metres;
- Western boundary setback – 3.23 metres; and
- Maximum building height – 4.7 metres.

### Medical Centre

- Building area – 355sqm;
- 6 x consultation rooms;
- 1 x staff room;
- 1 x waiting room, reception and store area;
- 1 x store area;
- 1 x cleaning facilities;
- 1 x treatment room;
- 2 store areas;
- 1 x airlock;
- 1 x staff outdoor area;
- Amenities;
- Hours of operation between 7am to 7pm Monday to Saturday; and
- 8 x staff (inclusive of 6 practitioners).

### Gym

- Building area – 335sqm;
- Gym space – 209sqm;
- Male and female amenities;
- 1 x Office / meeting room;
- 1 x reception;
- 1 x staff room and cleaner / store area;
- 1 x airlock;
- Hours of operation 5am to midnight Monday to Sunday; and
- 5 x staff.

### **Swim School**

- Site area – 1,816sqm;
- Building area – 573sqm;
- Murray Valley Highway setback – 5.03 metres;
- Mount Terrick Road setback – 6.0 metres;
- 1 x 30sqm pool comprising 5 lanes;
- Male and female amenities;
- 1 x airlock and lobby;
- 1 x reception;
- 1 x office;
- 1 x staff room;
- 1 x pool mechanical plant room;
- 1 x store area;

- 1 x cleaning room;
- Hours of operation 6am to 8pm Monday to Sunday;
- 8 x staff; and
- Maximum building height – 6.2 metres.

### **Childcare Centre**

- Site area – 2,170sqm;
- Building area – 922sqm;
- Outdoor play area – 904sqm;
- Mount Terrick Road setback – 5.96 metres;
- Western boundary setback – minimum 6.4 metres (approximately);
- 120 children;
- 7 x children’s rooms with open access to toilets and changerooms;
- 2 x cot rooms;
- 4 x preparation and storerooms;
- 1 x staff room;
- 1 x managers office;
- 1 x planning space;
- 1 x kitchen;
- 1 x dry store;
- Amenities
- 1 x laundry
- 1 x parents room;
- 1 x staff outdoor area;
- Entry, piazza, capture and reception area;
- 14 x staff;
- Hours of operation 7am to 6:30pm Monday to Friday; and
- Maximum building height of approximately 5.4 metres.

### **Signage**

- 1 x 5.1m (h) x 2m (w) sign 1 type (floodlit business identification sign) located in the south-east corner of the site;
- 1 x 5.1m (h) x 2m (w) sign type 2 (floodlit business identification sign) located along the southern boundary of the site near the access point; and
- 4 x 3.1m (h) x 1m (w) sign type 3 (floodlit business identification sign) located along the edge of the car park in proximity to each building.

### **Parking and Access**

- 79 x car parking spaces inclusive of 4 x disabled spaces;
- 14 bike parking spaces located throughout the site.

Vehicle access will be located off Mount Terrick Road via a double-width crossover.

Pedestrian access will be located off Mount Terrick Road.

The car park will be bitumen with painted line marking for the bays.

### **Native vegetation**

This application seeks approval to remove 0.261 ha of native vegetation comprising scattered trees and patches.

## Mount Terrick Road

A Traffic Impact Assessment Report (TIAR) by TrafficWorks dated 22 March 2023 was submitted with the proposal which recommended the following:

- the right turn into the site from Mount Terrick Road shall be constructed with a channelised right turn lane - short (CHR(s)).
- investigate a connection across Mount Terrick Road to the shared path on the south side of the road.

### 3.2 Subject site & locality

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

The site comprises one lot known as Lot S3 on PS431844 and is known as 10 Mount Terrick Road, Echuca. The site is an irregular shape, is relatively flat and has an area of 8,747sqm.

The site is located in the north-west corner of the T-intersection of Mount Terrick Road and Murray Valley Highway.

The site comprises an existing single-storey dwelling with associated outbuildings. Vegetation, including native vegetation, is located throughout the site. Vehicle access to the site is located off Mount Terrick Road. No formal pedestrian access is provided to the site.

There are no easements onsite.

The site has the following immediate interfaces:

- Murray Valley Highway abuts the site to the north-east. North-east of the Highway is vegetated land located within the Public Use Zone Schedule 1 (service and utility). No walking trails are provided within the Public Use Zone land. Further north-east is vegetated land located within the Public Parks and Recreation Zone with trails located within this land.
- Mount Terrick Road abuts the site to the south. South of Mount Terrick Road is vacant land, land used for a retirement village and aged care facility, residential land and a water corridor.
- Land used for residential purposes abuts the site to the west and comprises low-density lots with single-storey standalone dwellings.

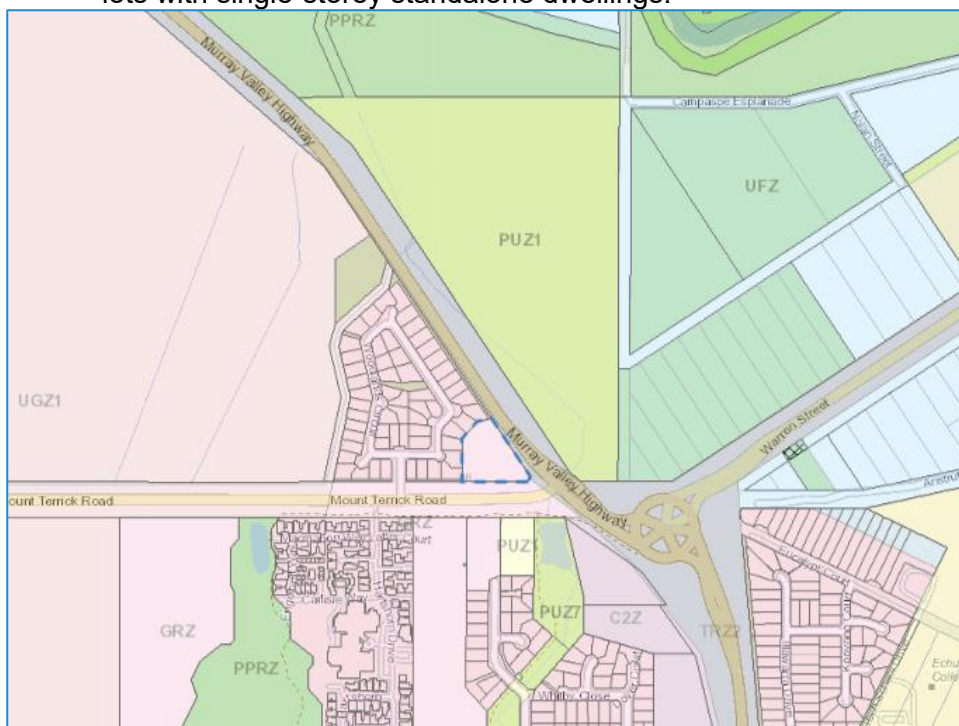


Figure 1: VicPlan Zoning map, subject site outlined in blue



The main site / locality characteristics are:

- The site is in a developing area that will primarily be residential in the future with the Echuca West PSP nearby which will see the development of approximately 5,000 new homes. The area currently comprises vacant land, land used for agriculture (now zoned residential), residential, retirement village and aged care facility, education, recreation and service station purposes.
- Land surrounding the site is located within the General Residential Zone, Urban Growth Zone, Public Use Zone, Public Parks and Recreation Zone, Urban Floodway Zone and Commercial 2 Zone.
- The Northern and Murray Valley Highway restricted retail precinct is located approximately 85 metres south-east of the site and is a developing precinct.
- Land located within the Echuca West precinct structure plan area is located approximately 240 metres west of the site and will be developed for residential purposes. Currently the land is used for agricultural purposes.
- The site is located approximately 2.4 kilometres west of the Echuca CBD.

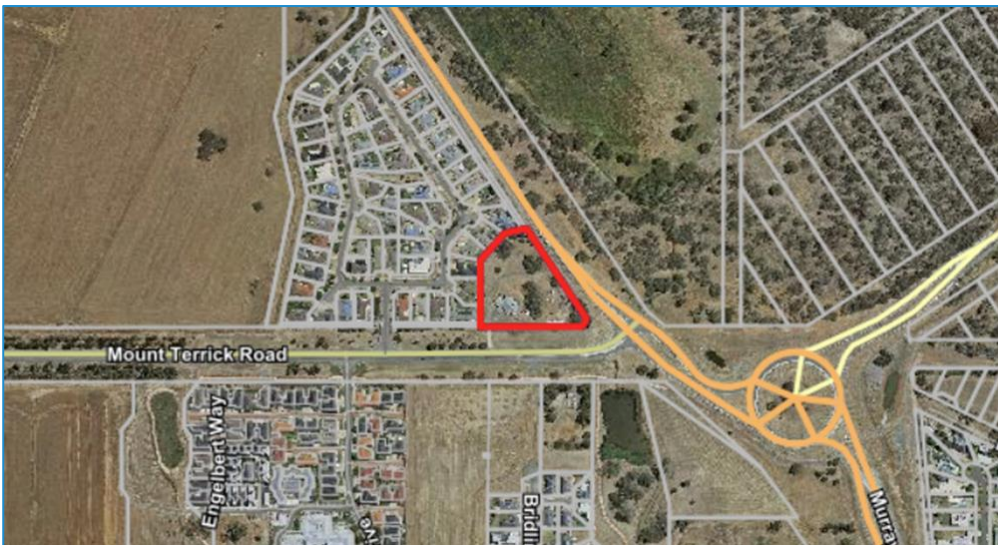


Figure 2: Subject site outlined in red. Councils intramap 2021 aerial

A Cultural Heritage Management Plan (CHMP) 19424 by Alpha Archaeology Pty Ltd dated 7 September 2023 was submitted by the applicant. The CHMP was signed by Yorta Yorta Nation and included the proposal as a covered activity.

### 3.3 Permit/Site History

Not applicable

### 3.4 Referrals

The proposed development was referred to the CFA and Department of Transport and Planning and two internal Council Departments. The following table makes note of the type of information requested and whether conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

	Information type	Requests Permit Conditions	Any Other Advice (Notes etc.)
<b>External Authority</b>	Section 55 or Section 52		
CFA	Section 55 (determining)	Yes	No

DTP	Section 55 (determining)	Yes	No
<b>Internal Department</b>			
Design and Road Services Department	Info	Yes	No
Environmental Health Department	Info	Yes	No

### 3.5 Assessment

The zoning of the land and any relevant overlay provisions follow:

#### Clause 32.08 General Residential Zone

##### Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-2 a permit is required to use the land for medical centre, restricted recreation and childcare purposes.

Pursuant to Clause 32.08-9 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

Pursuant to Clause 32.08-14 the sign requirements are at Clause 52.05. This zone is in Category 3

#### Overlays

#### Clause 44.06 Bushfire Management Overlay

##### Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to Clause 44.06-2 a permit is required to construct or carry out works associated with an education centre, leisure and recreation and an office.

#### Clause 45.12 Specific Controls Overlay

##### Purpose

- *To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.*

A permit is not required under this clause as the application is not for use and development undertaken by or on behalf of Goulburn-Murray Water for the purposes specified in *Goulburn-Murray Water: Connections Project and Water Efficiency Project – Incorporated Document*.

### **The Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)**

The following policies and objectives are relevant to this application:

#### **Clause 02.03-1 Settlement**

Echuca is the largest centre in the Shire with a population catchment area estimated to include 50,000 people within a 70 kilometre radius. Echuca is a hub for commercial, industrial, community, recreational and transportation activity for northern Victoria and southern New South Wales. Echuca's population is estimated to be about 16,762 by 2031 (Victoria in Future, 2016) and it is estimated that Echuca will need an average of about 110 new dwellings per year up until 2031 (Echuca Housing Strategy 2011).

Council's relevant key *strategic directions* relating to 'Settlement' are to:

- *Facilitate development in towns subject to land capability, infrastructure availability, environmental considerations and demonstrated demand.*
- *Balance the growth of townships with the protection of agricultural, heritage and natural assets.*
- *Avoid the growth of towns that encroach on environmentally sensitive areas.*

#### **Clause 02.03-2 Environmental and Landscape Values**

Apart from vegetation in State and National Parks, a large proportion of remnant vegetation in Campaspe is found on river corridors and roadsides or on small pockets on private land. The Rushworth State Forest is part of the largest block of Box-Ironbark habitat left in Victoria with numerous threatened species of flora and fauna.

Environmental threats to vegetation communities include clearing of remnant and roadside vegetation, loss of hollow bearing trees, over-grazing, isolation and fragmentation of remnant habitat and degradation of soil and riparian habitats.

Council's relevant key *strategic directions* relating to 'Environmental and Landscape Values' are to:

- *Protect, manage, retain and replace native vegetation including grasslands, wetland vegetation and habitat.*

#### **Clause 02.03-3 Environmental Risks**

Climate change and environmental sustainability challenges in Campaspe include planning for areas that may be affected by increased fire, flooding, drought or other threats; the sustainable and sensitive management of storm water; and the design of sustainable housing and development.

Extensive areas of the Shire are prone to bushfires, especially in the south near Rushworth and Toolleen. Safety and access issues are also evident within bushfire prone areas along the Murray River.

Council's relevant key *strategic directions* relating to 'Environmental Risks' are to:

- *Promote land use and development that is resilient to climate change impacts.*
- *Minimise the impact of bushfire, flooding, soil degradation and storms.*

#### **Clause 02.03-5 Built Environment and Heritage**

The majority of known Aboriginal cultural heritage places occur in the Vicinity of the Murray, Lower Goulburn and Campaspe river systems.

Council's relevant key strategic directions relating to 'Built Environment and Heritage' are to:

- *Protect heritage places of natural or cultural significance.*
- *Manage the impacts of commercial and industrial development on nearby residential areas, major roads, town entrances or natural heritage sites.*

#### **Clause 02.03-7 Economic Development**

The commercial hierarchy for the Shire is based on Echuca as the Regional centre; Rochester and Kyabram as key community centres; and Tongala, Rushworth, Stanhope, Lockington, Gunbower, Girgarre and Colbinabbin as local centres with convenience shopping.

Echuca's commercial structure is dominated by retail and wholesale trade. Echuca's main commercial area is its CBD which contains a mix of specialty retail, supermarket, office and restricted retail uses. The Echuca Commercial Strategy 2017 provided an assessment of the demand and supply for commercial development in Echuca with anticipated population growth expected to drive new services in Echuca's commercial areas. The Echuca South East Industrial and Commercial Growth Corridor Land Strategy (2011) anticipates that Ogilvie Avenue between Sturt Street and Cornelia Creek Road will become increasingly important as an area for restricted retail uses playing an important complementary role in Echuca's commercial hierarchy without compromising the primacy of the CBD.

Council's relevant key *strategic directions* relating to 'Economic development' are to:

- *Maintain the primacy of the Echuca CBD as the regional centre for the Shire.*

#### **Clause 02.03-8 Transport**

Council's relevant key *strategic directions* relating to 'Transport' are to:

- *Protect the operations of highways, railways and airports from the adverse affects of urban development adjacent to them.*

#### **Clause 02.03-9 Infrastructure**

Integrated water management in Campaspe aim to reduce reliance on potable water supplies; reduce the amount of wastewater and stormwater generated; and improve water quality in water catchment ecosystems. Increased urban development can result in greater hard surface areas and changes to the volume, velocity and quality of stormwater drainage into natural waterways.

The efficient delivery of infrastructure is fundamental to providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner. Infrastructure provision should be coordinated and integrated to meet the requirements of proposed development and may be staged in accordance with development needs.

Council's relevant key *strategic directions* relating to 'Infrastructure' are to:

- *Promote water sensitive urban design including stormwater re-use.*
- *Direct growth to locations with existing infrastructure.*
- *Coordinate, stage and integrated infrastructure to meet the requirements of development.*
- *Encourage a consistent approach to the design and construction of infrastructure.*
- *Discourage development that is out of sequence owing to its impact on urban form and infrastructure provision.*

#### **Clause 11 Settlement**

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of environmental sustainability, urban design and amenity.
- Climate change adaptation and mitigation.
- Prevention of land, water, air and noise pollution.
- Protecting, conserving and improving biodiversity, waterways and other natural resources.
- Accessibility.
- Land use and transport integration.
- Waste minimisation and resource recovery.

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

### **Clause 11.01 Victoria**

#### **Clause 11-01-1S Settlement**

##### Objective

- *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

#### **Clause 11.01-1R Settlement – Loddon Mallee North**

##### Relevant Strategies

- *Plan for and facilitate growth of Echuca and Swan Hill as regional centres and important tourism destinations while considering population change and settlement planning in New South Wales.*

### **Clause 11.02 Managing Growth**

#### **Clause 11.02-1S Supply of Urban Land**

##### Objective

- *To ensure a sufficient supply of land is available for residential commercial, retail, industrial, recreational, institutional and other community uses.*

### **Clause 12 Environmental and Landscape Values**

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, Australia's Strategy for Nature 2019-2030, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

### **Clause 12.01 Biodiversity**

#### **Clause 12.01-1S Protection of Biodiversity**

##### Objective

- *To protect and enhance Victoria's biodiversity.*

#### **Clause 12.01-1L Biodiversity**

##### Relevant Strategies

- *Protect native vegetation in future industrial and residential areas and integrate it into development.*
- *Avoid the loss of riparian flora and fauna, biodiversity, habitat and wetlands.*

#### **Clause 12.01-2S Native Vegetation Management**

##### Objective

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

### **Clause 13 Environmental Risks and Amenity**

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- *Land use and development compatibility.*
- *Effective controls to prevent or mitigate significant impacts.*

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

#### **Clause 13.01 Climate Change Impacts**

##### **Clause 13.01-1S Natural Hazards and Climate Change**

##### Objective

- *To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.*

##### **Clause 13.01-1L Carbon Storage in Campaspe**

##### Relevant Strategies

- *Encourage use or development that incorporates carbon storage actions including retention of remnant native vegetation, revegetation and tree planting.*

## **Clause 13.02 Bushfire**

### **Clause 13.02-1S Bushfire Planning**

#### Objective

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

This policy applies to an application for a childcare centre.

## **Clause 13.05 Noise**

### **Clause 13.05-1S Noise Management**

#### Objective

- *To assist the management of noise effects on sensitive land uses.*

## **Clause 13.07 Amenity, Human Health and Safety**

### **Clause 13.07-1S Land Use Compatibility**

#### Objective

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

## **Clause 15 Built Environment and Heritage**

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.

Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging, and comfortable to be in.
- Support human health and community wellbeing.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.

Enhance the function, amenity and safety of the public realm.

Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment.

Planning should facilitate development that:

- Is adapted and resilient to climate related hazards.
- Supports the transition to net zero greenhouse gas emissions.
- Minimises waste generation and supports resource recovery.

- Conserves potable water.
- Supports the use of, and access to, low emission forms of transport.
- Protects and enhances natural values.
- Minimises off-site detrimental impacts on people and the environment.

### **Clause 15.01 Built Environment**

#### **Clause 15.01-1S Urban Design**

##### Objective

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

#### **Clause 15.01-2S Building Design**

##### Objective

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

#### **Clause 15.01-5S Neighbourhood Character**

##### Objective

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

### **Clause 15.03 Heritage**

#### **Clause 15.03-2S Aboriginal Cultural Heritage**

##### Objective

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

### **Clause 17 Economic Development**

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

#### **Clause 17.01 Employment**

##### **Clause 17.01-1S Diversified Economy**

##### Objective

- *To strengthen and diversify the economy.*

#### **Clause 17.02 Commercial**

##### **Clause 17.02-1S Business**

##### Objective

- *To encourage development that meets the community needs for retail, entertainment, office and other commercial services.*



## **Clause 17.02-2S Out-of-Centre-Development**

### Objective

- *To manage out-of-centre development.*

## **Clause 19 Infrastructure**

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Infrastructure planning should avoid, minimise and offset environmental impacts, and incorporate resilience to natural hazards, including future climate change risks.

## **Clause 19.02 Community Infrastructure**

### **Clause 19.02-1S Health Facilities**

#### Objective

- *To assist the integration of health facilities with local and regional communities.*

### **Clause 19.02-2S Education Facilities**

#### Objective

- *To assist the integration of education and early childhood facilities with local and regional communities.*

## **Clause 19.03 Development Infrastructure**

### **Clause 19.03-3S Integrated Water Management**

#### Objective

- *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

## **Particular Provisions**

The following particular provisions are relevant to the application:

### **Clause 52.05 Signs**

#### Purpose

- *To regulate the development of land for signs and associated structures.*

- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Category 3 – High amenity areas are medium limitation areas. The purpose of Category 3 is ‘To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.’

Pursuant to Clause 52.05 a permit is required to construct or put up for display a business identification and floodlit sign.

### Clause 52.06 Car Parking

#### Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06 applies to a new use.

Extract from applicant’s TIAR report outlining parking requirements using Table 1 at Clause 52.06 (only childcare centre and medical centre are listed), RTA Guide to Traffic Generating Developments (used for gym) and previously adopted rate by other Councils (swim school).

It is noted that both the swim school and gym is to the satisfaction of Responsible Authority and does not have a statutory rate.

Use	Rate	Measure	Requirement
Child Care Centre	0.22 to each child	120 children	26 spaces
Swim School	0.8 spaces per student	40 students	32 spaces
Gym	4.5 spaces per 100 m <sup>2</sup>	304m <sup>2</sup>	13 spaces
Medical Centre	5 to the first practitioner and 3 to every practitioner thereafter	6 practitioners	20 spaces
<b>Total</b>			<b>91 spaces</b>

## **Clause 52.17 Native Vegetation**

### Purpose

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
  1. *Avoid the removal, destruction or lopping of native vegetation.*
  2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Pursuant to Clause 52.17-1 this application seeks approval to remove, destroy or lop native vegetation.

## **Clause 52.34 Bicycle Facilities**

### Purpose

- *To encourage cycling as a mode of transport*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Pursuant to Clause 52.34-1 a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

Pursuant to Clause 52.34-2 a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

## **Clause 53.02 Bushfire Planning**

### Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

## **Clause 53.18 Stormwater Management in Urban Development**

### Purpose

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Pursuant to Clause 53.18-1 this clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the applications specified. The proposed buildings and works are subject to the requirements of Clause 53.18.

## **The Decision Guidelines of Clause 65**

### **Clause 65.01 Approval of an Application or Plan**

*Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use of development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

### **Clause 73.02 Sign Terms**

Business Identification Sign A sign that provides business identification information about a business of industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.

Display Area The area of that part of a sign used to display its content, including borders, surrounds and logo boxes. It does not include safety devices, platforms and lighting structures. If the sign does not move or rotate, the area is one side only.

Floodlit Sign A sign illuminated by external lighting provided for that purpose.

Sign Includes a structure specifically built to support or illuminate a sign.

### **Clause 73.03 Land Use Terms**

#### Medical centre

*'Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only.'*

#### Childcare

*'Land used to care for five or more children who are not permanently resident on the land.'*

### Restricted recreation

*'Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.'*

### **Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)**

Not applicable.

### **Relevant incorporated or reference documents**

*Infrastructure Design Manual*

*Landscape Plan Guide for Developments in Campaspe Shire, Greater Shepparton City Council and Moira Shire Council 2017*

*Loddon Mallee North Regional Growth Plan, 2014*

### **Relevant Planning Scheme Amendments**

Not applicable.

## **3.6 Summary of Key Issues**

The site is located within a developing part of Echuca with land in the immediate area comprising vacant land, land used for residential, agricultural and retirement village and aged care purposes. The Northern and Murray Valley Highway restricted retail precinct is located approximately 85 metres south-east of the site. The proposal is consistent with the purpose of the General Residential Zone which allows for educational, recreation, community and other limited non-residential uses to serve local community needs in appropriate locations. The proposal satisfies the applicable decision guidelines of the General Residential Zone and are addressed in the assessment below.

This application seeks approval for the use of the land for child care, a medical centre and restricted recreation facility pursuant to Clause 32.08-2; buildings and works associated with a Section 2 use pursuant to Clause 32.08-9, buildings and works pursuant to Clause 44.06-2, display advertising signage pursuant to Clause 52.05, reduce the statutory car parking requirements pursuant to Clause 52.06, and remove native vegetation pursuant to Clause 52.17.

A Cultural Heritage Management Plan was provided as part of the application and satisfies Clause 15.03-2S 'Aboriginal Cultural Heritage'.

### **MPS and PPF**

The proposal is located in an appropriate location in proximity to existing residential land and the planned residential Echuca West Precinct Structure Plan area as well as the Northern Murray Valley Highway restricted retail precinct. The proposal will provide facilities and services to meet current and future community needs as well as creating employment opportunities close to where people live and will not detract from the Echuca CBD being the main regional centre for the Shire. The proposal satisfies Clauses 02.03-1 'Settlement', 02.03-7 'Economic Development', 11.01-1S 'Settlement', 11.01-1R 'Settlement – Loddon Mallee North', 11.02-1S 'Supply of Urban Land', 13.07-1S 'Land Use Compatibility', 17.01-1S 'Diversified Economy', 17.02-1S 'Business', 17.02-2S 'Out-of-centre Development', 19.02-1S 'Health Facilities', and 19.02-2S 'Education Facilities'.

The proposal satisfies Clauses 02.03-3 'Environmental Risks', 12.01-1S 'Protection of Biodiversity', 12.01-1L 'Biodiversity', 12.01-2S 'Native Vegetation Management', 13.01-1S 'Natural Hazards and Climate Change', 13.01-1L 'Carbon Storage in Campaspe', 13.02-1S 'Bushfire Planning', '13.05-1S 'Noise Management' and 15.03-2S 'Aboriginal Cultural Heritage. This report assesses below native vegetation, bushfire planning, Aboriginal Cultural Heritage and noise.

The proposal has been designed to protect the operation of the adjoining Murray Valley Highway, with vehicle access to the site located off Mount Terrick Road and substantially setback from the Highway and satisfies Clause 02.03-8 'Transport'.

The proposed development is compatible with the nearby residential area as it supports community need for health, recreation and education facilities. The subject site is within the area of Echuca that is currently experiencing substantial growth in relation to residential subdivisions and commercial development. The proposal presents uses that are considered normal to an expanding residential area and vital to continue the support of communities satisfying concerns raised in relation to land use compatibility. It is appropriately located along a transport spine and continues the pattern of the development demonstrated south of the proposal along Murray Valley Highway.

The proposed buildings and works are of an appropriate scale and appearance for the site and surrounding residential land, with separation provided between the proposed built form within the site and to the adjoining nearby residences to the west. The proposal has been designed to respect the existing residential character through providing building heights that are acceptable in a residential area; setbacks from the road network and residential land; and through the materials and finishes proposed. Overall, it is considered the works do not dominate or overwhelm the area and provide a considered design response through the materials, location and siting of the works addressing concerns raised.

### **Landscape Treatment**

The landscape plan shows landscaping will be provided:

- Along the southern boundary;
- Along the eastern edge of the childcare centre;
- Within the car park area;
- Abutting the Murray Valley Highway adjoining the gym and car park area; and
- Within the south-east corner of the site.

The proposed landscaping is minimal and does not provide an acceptable response to the site. Substantial landscaping should be provided within the grassed areas adjoining the medical centre, gym and swim school. Providing additional landscaping will improve the appearance of the site and built form, with the back of the built form visible from the adjoining residential land and the Murray Valley Highway. Additional landscaping will also increase the biodiversity and greening of the area and help integrate the site with the surrounding residential land.

Planning officers consider additional landscaping can be provided while meeting the requirements of the CFA conditions and the requirements of the bushfire management plan. Council officers recommend a condition on permit is included requiring additional planting.

Planning officers consider the inclusion of additional landscaping will help improve the appearance of the site and the interface with the adjoining residential land, as well as provide additional screening addressing concerns raised in relation overlooking and privacy. Planning officers recommend a permit condition is included on the permit requiring additional planting be provided and the landscape plan updated accordingly. The proposal satisfies Clauses 15.01-1S 'Urban Design', 15.01-2S 'Building Design', 15.01-5S 'Neighbourhood Character' and 02.03-5 'Built Environment and Heritage'.

## Amenity

The applicant addresses potential amenity impacts in relation to noise through the inclusion of an acoustic assessment (The Acoustic Report). The Acoustic Report demonstrates the proposal will comply with the relevant acoustic criteria provided the following noise mitigation measures are provided:

- A 2 metre high acoustic fence to the western boundary of the childcare centre;
- The gym roof constructed to achieve a minimum sound insulation rating of 42 dB Rw and all glazing elements associated with the gym to achieve a minimum sound insulation rating of 35 dB Rw;
- Deliveries and waste collection restricted to between 7am and 10pm;
- All mechanical plant associated with the medical centre designed to not exceed a noise level of 40 dB Leff at nearby residential properties; and
- All mechanical plant associated with the childcare centre, swim school and gym designed to not exceed a noise level of 36 dB Leff per tenancy at nearby residential properties.

The noise generated by the proposal is not considered to be unreasonable provided the mitigation measures mentioned above are installed addressing concerns of the objectors. A condition will be included on the permit to ensure the recommendations of the Acoustic Report are implemented.

The hours of operation are considered appropriate for the applicable uses and taking into consideration the recommended acoustic measures are unlikely to create an unreasonable amenity impact. Concerns for hours of operation of the gym have been raised, however, attenuation measures to gym roof will be a condition of the permit and the gym is located on the eastern side of the proposed medical centre, further reducing potential noise impacts. To further ensure noise concerns are suitably addressed, a condition for a post permit acoustic assessment will be included as part of the permit.

In relation to waste, the medical and gym refuse areas are located at the northern end of the childcare centre play area along with the childcare refuse area. The swim school refuse is located north of the swim school. All refuse areas are setback from the site boundaries appropriately addressing concerns raised. Waste management and collection will be the responsibility of private businesses and a condition of the permit will include a waste management plan be submitted for endorsement.

## Car Parking

The proposal has the following statutory car parking requirements:

- Childcare centre – 26 spaces
- Medical centre – 20 spaces

A restricted recreation facility does not have a specified car parking requirement and must be provided to the satisfaction of the responsible authority. The submitted Traffic Impact Assessment Report (TIAR) identifies a car parking requirement of 32 spaces for the swim school and 13 spaces for the gym with a total of 91 spaces required for the development. These figures are based on the following assumptions;

- Swim school – 0.8 spaces per student (total 32 spaces for 40 students)
- Gym - 4.5 spaces per 100sqm (total 13 spaces for 304sqm, noting this is the total gym area and not the gym floor spaces which is 209sqm)

79 car parking spaces are proposed on the site which satisfies the statutory car parking requirements, along with satisfying the responsible authority in relation to the restricted recreation facility demand.

The car parking is considered acceptable for the following reasons:

- The anticipated peak car parking demand will be 65 spaces during the afternoon on weekdays;
- The demand for car spaces will be a mix of short and longer term parking dependent on the land use;
- The hours of operation and peak usage of the proposal varies across the proposed uses;
- Public transport runs along Mount Terrick Road with a bus stop located in proximity to the site;
- The applicant is providing 18 bike parking spaces increasing the opportunity for multi-mode transport;
- The mixed uses i.e. swim school and gym provide for multi-mode transport options other than a car, particularly as these uses can be frequented by patrons not of a legal driving age;
- The proposal will be part of a broader active transport network;
- Numerous residents are within walking distance of the proposal.

Overall, Council considers a single consolidated carpark with 79 spaces to be a satisfactory response to Clause 52.06. The carparking plan has been assessed and considered to meet the relevant design requirements at Clause 52.06-9 in relation to size, pavement and vehicle stops. A condition on the permit will require the entire car park to be constructed prior to the first use commencing to ensure there is no shortfall.

### **Bike Parking**

The proposal has the following statutory bike facility requirements:

- Childcare centre – not applicable
- Medical centre – 1 for staff and 2 for visitors
- Restricted recreation facility (gym) – 2 for staff and 2 for visitors.
- Restricted recreation facility (swim school) – 2 for staff and 3 for visitors

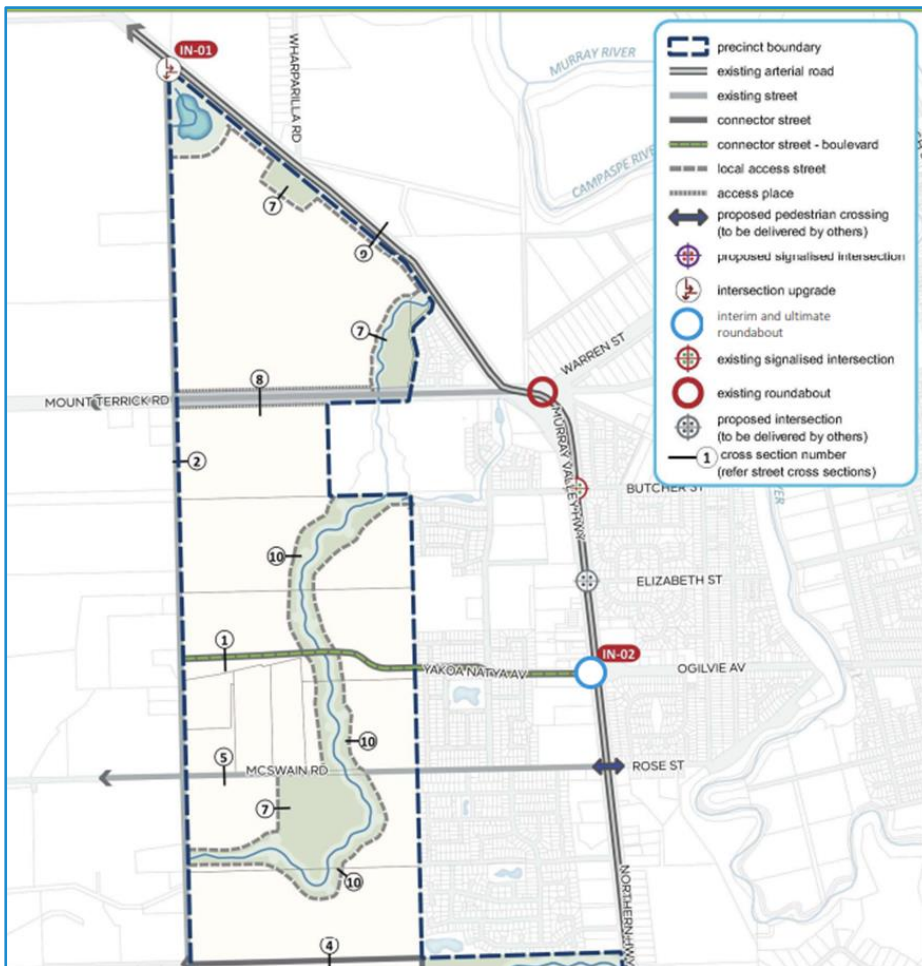
The proposal provides 18 bike parking spaces and meets the statutory requirements. No end-of-trip facilities are required under Clause 52.34.

### **Traffic**

Whilst the subject site is not located within the Echuca West PSP (the PSP) boundaries, it is within the areas of required infrastructure upgrades for the PSP. As shown below a new intersection at Stratton Road/Murray Highway will be constructed as part of the PSP. Build out of the Yakoa Natya/Northern Highway intersection will receive both interim and ultimate roundabout solutions. As part of the PSP approval process the Department of Transport and Planning (DTP) was provided opportunity to review the broader transport network. Mount Terrick Road was proposed and supported as a main connection onto Murray Valley Highway with DTP supporting the approval of the PSP.

Officers consider that the works which will be undertaken as part of the PSP will provide additional traffic movements throughout the area and additional opportunities to intersect Murray Valley Highway the area and will reduce the dependency of vehicles utilising the Mount Terrick Road / Murray Valley Highway intersection as additional growth occurs in the area.





Source: Echuca West PSP (August 2022) Page 25

The proposal is anticipated to generate a maximum demand of 199 trips during the AM peak hour and 192 trips during the PM peak hour. The anticipated traffic generated is acceptable with the road network considered able to cater for the anticipated traffic.

The TIAR submitted identified the following recommendations that need to be addressed as part of the application:

- The right turn into the site from Mount Terrick Road shall be constructed with a channelised right turn lane – short (CHR(s)); and
- Investigate a connection across Mount Terrick Road to the shared path on the south side of the road.

Planning officers recommend the inclusion of the requirement for a right turn into the site from Mount Terrick, however, do not consider all TIAR's assumptions of traffic direction to be adequate. The TIAR assumes only 10% of traffic will be coming from the west and turning left into the site, whilst this may be indicative of the existing traffic numbers, Planning Officers do not consider this assumption to adequately account for the PSP development and that a channelised left turn lane from Mount Terrick is appropriate and will include this condition on the permit addressing concerns in relation to congestion. The application was referred to the Department of Transport and Planning who provided consent for the application with conditions in relation to bus shelter upgrade, footpath connection along the front of the subject site to connect to the existing bus stop and shared path to the south of Mount Terrick addressing concerns raised in relation to pedestrian access. Conditions in relation to the luminance of the signage have been included and will form part of the permit.

During the consultation meeting, concerns were raised in relation to the potential conflicts with any future continuation of Bridlington Avenue onto Mount Terrick Road. Officers have confirmed that the vacant allotment directly south of the subject site has been consolidated into the land to the west, forming part of an additional stage of the Residential Aged Care. Endorsed plans do not show continuation of Bridlington Avenue onto Mount Terrick.

The application does not propose access directly onto the Murray Valley Highway which is supported by Planning Officers.

## **Signs**

Clause 52.05-8 sets out decision guidelines which contain matters the responsible authority must consider, as appropriate, before deciding on an application. Signs 1 and 2 will need to be reduced in size to below 10sqm. Signs with an area exceeding 10sqm are defined as 'panel' signs under Clause 73.02 and are prohibited in Category 3 areas. Council officers recommend including a condition on permit requiring all signs (including the associated structure) to be below 10sqm.

Below is an assessment against the relevant decision guidelines on the basis that the signs will be altered to be below 10sqm.

### The character of the area

The area is developing in nature and will primarily be residential in nature in the future. Currently residential land is located south and west of the site, with agricultural land and a retirement village and aged care facility in proximity to the site. North-east of the site is the Murray Valley Highway and vegetated land. Signs in the area are limited with standalone low-level pylon signs provided to the nearby retirement village / aged care facility.

The triangular sign located on the corner portion of land at Mount Terrick/Murray Valley Highway is an appropriate location identifying sign whereas the pylon and fin signs located adjacent to the childcare are excessive in size and should be scaled down. Planning officers do not consider these two signs in their proposed size to be responsive to the residential context and character of the area. A condition requiring a reduced size will form part of the permit conditions.

### Impacts on views and vistas

The signs will not impact on any important views or vistas from the public realm and will not dominate the skyline.

### The relationship to the streetscape, setting or landscape

Signs 1 and 2 are located within the setback to Mount Terrick Road. Sign types 1 and 2 consolidate the signs for the gym, medical centre, childcare centre and swim school and act as identifiers to oncoming traffic. Sign 3 is within the site and will have minimal visibility from the street network. All signs are setback from the street and will not protrude above the built form.

Landscaping is able to be planted to reduce potential visual impacts of the signs.

### The relationship to the site and building

No signs are proposed to be located on the built form. The proposed signs will not cause visual clutter or disorder and are of a size and scale appropriate for the size and scale of the proposed built form.

### The impact of structures associated with the sign

The structures associated with signs 1 and 2 have been designed to integrate with the sign and will appear as forming part of the sign display area. However, as previously outlined the size and scale of the fin and pylon signs is considered excessive and will require reduction. The structures will not impact on any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

### The impact of any illumination

The signs are proposed to be floodlit and are setback from the residential land to the west and the surrounding street network. However, the officer's assessment has determined that internal illumination would be more appropriate with a 'turn off' time of 8pm as it is likely the gym, being the only business operating after this timeframe would utilise individual business identification

### The need for identification and the opportunities for adequate identification on the site or locality

The proposed land uses will service the existing and future community and require signs to identify their business.

### The impact on road safety

The signs are setback from Mount Terrick Road and do not directly front the road. The signs will not obstruct a driver's line of sight or dazzle or distract drivers. The signs are not at a location where particular concentration is required and are not likely to be mistaken for a traffic control device.

## **Native Vegetation**

The proposal will remove native vegetation in the form of scattered trees and one patch. The native vegetation has a general offset amount of 0.075 general habitat units and a minimum strategic biodiversity value of 0.720.

The application seeks to removal all vegetation onsite and does not seek to minimise the loss of native vegetation already onsite. Concerns have been raised in relation to the loss of established native vegetation. The applicant provided an Arboriculture Tree Identification Condition Report by Murray Goulburn Tree Service inspection date 25 August 2022 found that of 17 trees only 2 were of 'fair' structure with the remaining 15 of 'poor' structure. Numerous trees were found to have multi trunks or limb failure which would not be considered appropriate vegetation to retain within areas where people are present frequently. It is considered that the avoidance and minimise principles are not the appropriate approach in this case due to the poor quality of vegetation on the site.

Offsets will be provided for the native vegetation to be removed to ensure there will be no net loss to the biodiversity within Victoria. The offsets will help protect and enhance Victoria's biodiversity consistent with the intent of Clauses 02.03-2 Environmental and Landscape Values, 12.01-1S Protection of Biodiversity, 12.01-1L Biodiversity, 12.01-2S Native Vegetation Management and 52.17 Native Vegetation.

The site is currently a residential site with a limited extent of native vegetation. Council officers consider the site is not of significant strategic importance for native vegetation biodiversity in the area or broader municipality area. The removal of the native vegetation, with offsets to be provided, is considered acceptable.

## **Bushfire**

The application included a Bushfire Management Statement and Bushfire Management Plan with the buildings to be constructed to BAL 12.5 and a defendable space distance of 23 metres provided. The CFA has consented to the development subject to conditions that require an amended Bushfire Management Plan to be prepared to the satisfaction of the CFA and approved by the responsible authority prior to starting work.

Council officers consider the proposal acceptable provided the bushfire management plan meets the requirements of the CFA permit condition.

## **Stormwater Treatment**

The proposal intends to connect to the existing stormwater drainage system. The proposal also includes a rain garden within the Mount Terrick Road frontage with part of the car park / driveway area runoff to be diverted to the rain garden.

Officers recommend including a condition on permit that will require stormwater runoff and treatment to be addressed and approved by Council prior to works starting onsite. Officers consider the inclusion of the permit condition will facilitate an acceptable outcome.

### **3.17 Conclusion**

The proposal complies with the requirements of the Scheme, including the provisions of the MPS and PPF and the decision guidelines of the General Residential Zone, Bushfire Management Overlay and Clauses 52.05, 52.06, 52.17, 52.34 and 53.18.

The proposal is considered appropriate, will not result in any unreasonable offsite amenity impacts and will provide services to meet the community's current and future needs. It is recommended a permit is issued subject to conditions.

## **4. CONSULTATION**

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 and six objections were received in relation to the following:

- Insufficient car parking
- Traffic congestion
- Pedestrian safety
- Noise levels
- Tree removal
- Amenity and character
- Overlooking and security
- Land use compatibility
- Hours of gym
- Aboriginal overlay
- Potential for smell



Subject site	Yellow Star
Objector	Yellow dot

A consultation was held at Council offices on Monday 11 September 2023 and was attended by members of the planning department, Councillors, the applicant and some objectors.

No changes to the proposal were made during the consultation and no objections were withdrawn.

## 5. STRATEGIC ALIGNMENT

### Council Plan 2021-2025

#### Flourishing local economy

A resilient long-term economy attractive to local and external investors  
Stimulated economic activity that provides local jobs

#### Resilient protected and healthy natural environment

Well managed resources for a sustainable future

#### Well planned places

Land and underlying infrastructure suitable for growing populations

#### Growing quality of life

Effective and efficient services available locally  
Children, young people and families healthy and well

## **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

*Echuca Commercial Strategy (2017)*

## **7. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020 (Vic)* provides that Council decisions are to be made and actions taken in accordance with the relevant law.

*Planning and Environment Act 1987*

## **8. FINANCIAL IMPLICATIONS**

The requirements of section 9(2)(g) of the *Local Government Act 2020 (Vic)* have been considered in the preparation of this report and no adverse issues of ongoing financial viability of the Council have been identified within this report.

## **9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

Section 9(2)(c) of the *Local Government Act 2020* and no specific negative economic, social or environmental implications have been identified within this report.

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

The issues and assessment have been addressed in the body of this report.

### **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.

## **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020 (Vic)* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

The officer preparing this report declares no conflict of interest regarding this matter in accordance with section 130 of the *Local Government Act 2020*.

## **12. 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.

### 1. Amended Plans Required

Before the development commences, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the Permit. Such plans must be generally in accordance with 'Drawing No. 000 Rev P8 dated 28/03/23; Drawing Nos. 001-003 Rev P7 dated 9/05/23, Drawing No. 100 Rev P16 dated 22/05/23, Drawing No. P200 Rev P12 dated 28/03/23, Drawing Nos. 201-203 Rev P6 dated 28/03/23, Drawing Nos. 204-205 Rev P5 dated 28/03/23, Drawing Nos. 207-209 Rev P4 dated 28/03/23, Drawing No. 500 Rev P1 dated 28/03/23, Drawing No. 501 Rev P2 dated 28/03/23, Drawing Nos. 502-504 Rev P1 dated 28/03/23, Drawing No. 505, Drawing Nos. 300 Rev p3 dated 16/11/22, Drawing No. 301 Rev P2 dated 16/11/22, Drawing Nos. 302-303 Rev P3 dated 26/11/22, Drawing No. 304 Rev P2 dated 16/11/22, Drawing No. 400 Rev P5 dated 26/11/22, and Drawing Nos. 401-404 Rev P2 dated 26/11/22' prepared by The Ellis Group Architects' but modified to show:

- a) the setback of the gym / medical centre from the northern boundary;
- b) the Natural Ground Level (to AHD) on all elevations and sections;
- c) an updated finishes schedule to include all materials and an image of the proposed finishes / materials for each building including any fencing;
- d) delete the proposed vegetation on the site plan;
- e) staff bike parking to be located within a bike locker, or a bike rail within a lockable compound and must meet the design requirements of Clause 52.34;
- f) the front setback of the childcare centre from Mount Terrick Road on drawing 200;
- g) footpath widths on all drawings;
- h) footpath to extend to include outdoor store;
- i) Footpath extension north of the most north-eastern car space;
- j) Central pedestrian path to be in one continuous line;
- k) the overall building height (to the top of the roof) in metres on all elevations and sections;
- l) All sign illumination to be changed to internally in lieu of floodlit;
- m) sign types 2 to have a maximum height of 3.1metres and 1.5metres width;
- n) sign type 3-4 to have a maximum height of 1.8metres and 1metre wide;
- o) the setback of both sign type 2 from the boundary adjoining the relevant road;
- p) the north symbol to be oriented north on all plans;
- q) sightline triangles on all drawings where the driveway is shown;
- r) changes as required under the approved drainage design as required under Condition 9;
- s) acoustic mitigation measures as required under the endorsed acoustic assessment required under Condition 11;
- t) changes as required under the endorsed Bushfire Management Plan required under Condition 33;
- u) changes as required under the functional layout plan required under Condition 13.

All to the satisfaction of the Responsible Authority.

### 2. Layout Not Altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

### 3. Medical Centre

- a) The medical centre must only operate between the hours of 7am to 7pm Monday to Saturday;
- b) A maximum of 6 practitioners are permitted to operate out of the premises at any one time; and
- c) The operation of the medical centre and any acoustic mitigation measures must comply with the requirements of the endorsed acoustic assessment as required under condition 11.

#### **4. Restricted Recreation Facility (Gym)**

- a) The gym must only operate between the hours of 5am to midnight Monday to Sunday
- b) A maximum number of 30 patrons are allowed to attend the gym at any one time;
- c) Music must only be played at background levels; and
- d) The operation of the gym and any acoustic mitigation measures must comply with the requirements of the endorsed acoustic assessment as required under condition 11.

#### **5. Restricted Recreation Facility (Swim School)**

- a) The swim school must only operate between 6am to 8pm Monday to Sunday;
- b) A maximum of 40 students are allowed to attend the swim school at any one time;
- c) Music must only be played at background levels; and
- d) The operation of the swim school and any acoustic mitigation measures must comply with the requirements of the endorsed acoustic assessment as required under condition 11.

#### **6. Child Care Centre**

- a) The child care centre must only operate between 7am to 6:30pm Monday to Friday;
- b) A maximum of 120 students are allowed to attend the child care centre at any one time;
- c) The operation of the child care centre and any acoustic mitigation measures must comply with the requirements of the endorsed acoustic assessment as required under condition 11.

#### **7. Landscape Plan**

Before the development commences, a landscape plan must be submitted to and approved by the responsible authority. The landscape plan must be to the satisfaction of the responsible authority, and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with Landscape Concept Design by the Garden Planners dated 21 December 2022 but amended to show:

- a) Increased planting of trees with a mature height of at least 6m within the front setback of the carpark and the eastern interface with Murray Valley Highway;
- b) Additional planting along the western fence with screening qualities;
- c) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
- d) all trees planted as part of the landscape works shall have a minimum height of 1m at the time of planting with trees planted along the road interfaces to have a minimum height of 1.8m at the time of planting;



- e) the method of preparing, draining, watering and maintaining the landscaped area;
- f) details of surface finishes of pathways and driveways;
- g) landscaping and planting within all open areas of the site;
- h) the sewer and water supply connection points;
- i) the weed management program;
- j) proposed bed heights above car-park surface;
- k) all areas where vehicle overhang will occur;
- l) all landscaped areas proposed to be used for stormwater retardation;
- m) indicate that an in-ground irrigation system is to be provided to all landscaped areas;
- n) correctly show the location of the proposed signs;
- o) plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building;
- p) shrubs must not be located under the canopy of trees;
- q) individual and clumps of shrubs must not exceed 5sqm in area and must be separated by at least 5 metres;
- r) trees must not overhang or touch any elements of the building;
- s) any planting proposed within the sightline triangle adjoining the driveway exit lane to be a maximum height of 900mm;
- t) the canopy of trees must be separated by at least 2 metres; and
- u) any Water Sensitive Urban Design treatments, inclusive of raingardens, as required under drainage discharge plan required under Condition 9.

All species selected must be to the satisfaction of the responsible authority.

#### **8. Completion of Landscaping**

Before the buildings are occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

#### **9. Drainage Discharge Plan**

Before any part of the development commences, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and dimensions must be provided.

The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) Details of how the works on the land are to be retarded, reused and drained.
- b) Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by responsible authority.
- c) Underground pipe drains conveying stormwater to the legal point of discharge.
- d) Measures to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the

development (output from MUSIC or similar) and design calculation summaries of the treatment elements.

- e) A maximum discharge rate from the site, to be determined by computation to the satisfaction of the responsible authority.
- f) Documentation demonstrating approval from the relevant authority for the legal point of discharge.
- g) The provision of gross pollutant and / or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type can enter the council's stormwater drainage system.
- h) The details of the incorporation of water sensitive urban design, designed in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- i) Maintenance schedules for treatment elements.

All works must be constructed or carried out in accordance with those plans to the satisfaction of the responsible authority.

#### **10. Construction Management Plan**

Before any works commence, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Construction Management Plan must address:

- a) Delivery and unloading points, vehicle size and expected frequency;
- b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- c) Measures to control noise, dust, water (including stormwater and sediment laden runoff);
- d) Waste management;
- e) Measures to ensure that sub-contractors / tradespersons operating the site are aware of the contents of the Construction Management Plan;
- f) Any construction lighting to be baffled to minimise intrusion of adjoining lots;
- g) The location of onsite parking, storage and site amenities;
- h) Public safety and site security.
- i) Hours of construction to be in accordance with relevant EPA regulations.

All to the satisfaction of the Responsible Authority.

#### **11. Acoustic Attenuation Measures**

Before the development commences, the acoustic assessment prepared by Clarity Acoustics dated 13 May 2023 must be submitted to and approved by the responsible authority. The acoustic assessment must be to the satisfaction of the responsible authority. When approved, the assessment will be endorsed and will then form part of the permit.

Prior to the use commencing the recommended noise control treatments for that use within the endorsed acoustic assessment must be implemented to the satisfaction of the responsible authority.

#### **12. Acoustic Assessment Implementation**

Unless agreed in writing with the Responsible Authority within 3 months of the uses associated with the gym and/or childcare centre commencing, an acoustic assessment prepared by a suitably qualified acoustic engineer must be submitted to and approved by the

responsible authority. When approved the acoustic assessment will be endorsed and form part of this permit. The acoustic assessment must confirm whether the recommendations included within the endorsed acoustic assessment under condition 11 have been implemented and if the development complies with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues).

If compliance is not achieved, the assessment must outline what mitigation measures are required to achieve compliance and submitted to the responsible authority for endorsement. Any endorsed plans or documents must be amended to include the changes and submitted to the responsible authority for endorsement. Any changes must be implemented to the satisfaction of the responsible authority.

### **13. Functional Layout Plan**

Before the development commences, a functional layout plan prepared by a suitably qualified traffic engineer must be submitted to and approved by the responsible road authority. When approved the functional layout plan will be endorsed by the responsible authority and will then form part of the permit. The functional layout plan must show:

- a) Access to the site;
- b) the right turn into the site from Mount Terrick Road constructed with a channelised right turn lane – short (CHR(s)); and
- c) The left turn into the site from Mount Terrick Road constructed with a channelised left turn lane – short
- d) a pedestrian connection from the site across Mount Terrick Road to the shared path on the south side of Mount Terrick Road.

All to the satisfaction of the Responsible Authority.

### **14. Detailed Construction Plans**

Before any road, drainage or landscaping works associated with the development or subdivision commence for each stage, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must include:

- a) Mount Terrick upgrade as per endorsed Functional Layout Plan;

Construction plans must meet all requirements of the Infrastructure Design Manual (IDM). All works constructed or carried out must be in accordance with those plans.

### **15. Construction of Works**

Before the first use commences, the applicant or owner must construct road works including drainage and other civil works, in accordance with plans and specifications approved and endorsed by the Responsible Authority.

### **16. As Constructed Plans**

Prior to the first use commences, the applicant or developer shall submit to the satisfaction of the relevant authority the following:

- a) An assets statement including excel spread sheet listing quantities and prices for assets to be handed over to Council;
- b) 'As constructed' information for the entire works as listed in the council's Infrastructure Design Manual;

- c) 'As constructed' information shall be provided in A-SPEC format to Council's satisfaction. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

#### **17. Plan Checking and Supervision Fees**

Before the first use commences the following fees must be paid.

- a) Payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority;
- b) Payment to the Responsible Authority of an engineering design checking fee of an amount up to 0.75% of the value of documented works.

#### **18. Twelve month guarantee of works bond**

Prior to first use commencing the developer shall lodge with the Responsible Authority a 12 month period Guarantee of works bond based on 5% of actual cost of works as listed in contract schedule of quantities and in accordance with Infrastructure Design Manual (IDM).

#### **19. Council's Assets**

Before the development commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

#### **20. Waste Management Plan**

Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The waste management plan must address:

- a) the amount of waste and waste type generated by each use;
- b) collection frequency, number of bins, size of bins and the colour of the bins;
- c) be in accordance with the endorsed acoustic report in relation to collection times;
- d) the store and wash down area;
- e) waste collection provider, vehicle movements and vehicle size;
- f) swept paths of waste vehicles; and
- g) bin collection times.

The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **21. Offset requirement**

In order to offset the removal approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the

Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual:

The offset must:

- a) Contribute gain of 0.075 general biodiversity equivalence units.
- b) Be located within the Goulbourn Broken Catchment Management Authority or the Campaspe Shire Council district.
- c) Have a strategic biodiversity score of at least 0.720.

## **22. Offset evidence**

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native Vegetation gain scoring manual. Offset evidence can be either:

- A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
- A credit register extract from the Native Vegetation Credit Register.

## **23. Car Park Construction Requirements**

Before the development starts, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.

Before the first use commences, the entire area set aside for parking of vehicles and access as shown on the endorsed plans must be:

- a) surfaced with an all-weather seal coat;
- b) constructed;
- c) drained in accordance with an approved drainage plan;
- d) line-marked to indicate each car space and all access lanes;

All to the satisfaction of the Responsibility Authority.

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

## **24. Redundant Crossing Removal**

All disused or redundant vehicle crossings must be removed and reinstated to (kerb and channel) to the satisfaction of the responsible authority.

## **25. No Mud on Roads**

Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

## **26. Exposed Storage**

Goods, equipment or machinery must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare unless the prior written consent is obtained from the Responsible Authority.

### **27. Site Appearance**

The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality

### **28. General Exterior Treatment**

Before the use begins and the buildings are occupied the exterior treatment of the buildings permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the Responsible Authority. The exterior treatment of the buildings must be maintained to the satisfaction of the Responsible Authority.

### **29. External Lighting**

All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.

### **30. Sign Illumination**

Sign illumination must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

#### Time of illumination

The signs approved as part of this permit must only be illuminated during the times of 6:00am – 8:00pm

### **31. Sign Expiry Date**

The advertising signs shown on the endorsed plans and authorised by this permit must be removed at the expiry of fifteen years from the date of this permit unless a further planning permit for the signs has been obtained within that time from the Responsible Authority.

### **32. Department of Transport and Planning**

1. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application (drawing SK 002 P7, dated 09/05/2023) but modified to show:
  - a.
    - i. Bus shelters, associated seating and walkways in plan and cross section form for the Woodlands Cir/Mount Terrick Rd bus stop;
    - ii. A sealed pedestrian path connecting the pedestrian paths within the subject site to the Woodlands Cir/Mount Terrick Rd bus stop,
    - iii. All access paths and paved surfaces to be a minimum width of 1.2 metres and to align with the entrance and exit points of the bus stop;

- iv. Allocated space for wheelchairs within bus shelters;
  - v. All buildings and works in compliance with the requirements in the Disability Discrimination Act 1992 (Cth);
  - b. A sealed path connection to the shared path on the south side of Mount Terrick Road that is suitable for use by cyclists and pedestrians (including consideration of a pedestrian refuge), to the satisfaction of the Responsible Authority;
  - c. No pedestrian access to Murray Valley Highway;
  - d. Any works, signage or infrastructure identified in condition (2).
2. Prior to the commencement of the use, or other such time as agreed in writing by the Head, Transport for Victoria, all works outlined on the endorsed plans in accordance with condition (1) must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.
3. Within 2 months of the construction of the bus shelters in accordance with condition (5), a safety audit of the bus shelters must be prepared by a suitably qualified auditor at no cost to and to the satisfaction of the Head, Transport for Victoria. The audit must:
- a. state whether the bus shelters comply with the Disability Discrimination Act 1992 (Cth); and
  - b. outline any modifications required to the bus shelters to ensure they comply with the Disability Discrimination Act 1992 (Cth).
- The findings and recommendations of the audit must be complied with to the satisfaction of the Head, Transport for Victoria.
4. Prior to the commencement of the use, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.
5. During the operation of the signs, the maximum average luminance and threshold increment values as specified below must not be exceeded:
- a. Maximum average luminance:
    - i. Full sun on face of signage: no limit
    - ii. Daytime luminance: 4000 cd/m<sup>2</sup>
    - iii. Morning and evening twilight and overcast weather: 400 cd/m<sup>2</sup>
    - iv. Night time: 150 cd/m<sup>2</sup>
  - b. Threshold increment max %:
    - i. Night time: 15%
  - c. Adaptation luminance:
    - i. Night time: 1
6. Retro-reflective material or high glossy surfaces must not be used.

### **33. CFA Conditions**

- a) Amended Bushfire Management Plan Required

Before the development starts, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the BMP prepared by Habitat Town Planning & Urban Design Consultants (provided by Council on 1 June 2023 -no reference, version or date) but modified to replace the conditions for Defendable space, and Water Supply with:

i. Defendable space

Defendable space for a distance of 23 metres around the proposed buildings (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 2 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

ii. Water supply

20,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:

- The location of the remote outlet must be within 4 m of the driveway (or other suitable 'hardstand')
- The static water supply must be stored in an above ground tank constructed of concrete or metal
- The static water supply must include a separate outlet for the private use of the owner/occupier of the land that incorporates a ball or gate valve
- The tank must be located to achieve gravity feed from the water tank supply to the remote outlet
- All water pipes and fittings including the tank outlet to the remote outlet stand pipe must be a minimum pipe size of 150 mm (Class A Copper or Class 12 PVC) or 180 mm PN 12.5 HDPE
- The static water supply must be provided with a separate outlet for the CFA (CFA outlet) that includes a 64 mm CFA 3 thread per inch male coupling
- A 65mm British Standard Pipe (BSP) ball or gate valve must be provided at the CFA outlet to control the flow of water to the CFA coupling. Any other valves between the CFA outlet and the tank must be locked in the open position
- The CFA outlet must be:



- easily accessible by a fire-fighter in the event of a bushfire
- Clear of all vegetation for a distance of 1.5 metres or Setback from flammable objects (including timber fences and timber retaining walls) for a minimum distance of 1.5 metres
- Oriented horizontally.
- The centreline of the CFA outlet must be:
  - A minimum of 300mm and maximum 600mm in height above the finished ground level.
  - Located below the level of the outlet on the tank.
  - The riser for the CFA outlet must be supported by a galvanised steel post at least 50mm x 50mm or equivalent which is concreted in the ground to a depth of at least 450mm.
- The CFA outlet must be easily identifiable from dwelling or signage must be provided that meets the following requirements:
  - Has an arrow pointing to the location of the fire authority outlet.
  - Has dimensions of not less than 310mm high and 400mm long.
  - Is red in colour, with a blue reflective marker attached.
  - Is labelled with a 'W' that is not less than 15cm high and 3cm thick.
  - The CFA outlet must include a fade-resistant or engraved sign that:
    - Is to be fixed to the post supporting the fire authority outlet riser.
    - Has a minimum height of at least 1m from the ground surface level.
    - Includes the words "FIRE WATER TANK OUTLET" in lettering that is a minimum of 50mm in height and written in a colour contrasting with that of the background.
  - A blue reflective disc at least 50mm in diameter must be attached to the post holding the sign. The blue reflective disk must be located immediately below the sign.
- All below-ground water pipes must be installed to provide at least the following cover below the finished surface; 300 mm for pipes subject to vehicle traffic; 75 mm for pipes under dwellings or concrete slabs; and 225 mm for all other locations.

b) Bushfire Management Plan - Diagram

- i. The water supply tank is to be shown with a "W" or "Water Supply Tank" only – reference to the tank as a "Fire Service Water Supply" is to be deleted as it is for bushfire firefighting only
- ii. A symbol for the water supply tank is to be included in the legend

### **34. Bushfire Protection Measures**

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **35. Time for Starting and Completion**

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The use is not commenced within two years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

#### **NOTATIONS**

##### **Responsible authority**

The term "responsible authority" in the planning permit means the municipal council in accordance with section 13 of the Planning and Environment Act 1987.

##### **Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

##### **Native Vegetation Control**

A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the Planning Scheme; exemptions include the minimum area necessary for the construction of a dwelling and or buildings or vehicle access ways ancillary to a dwelling, or to comply with a fire prevention notice. The table of exceptions to clause 52.17-6 of the Planning Scheme lists the full range of exceptions.

##### **Aboriginal Artefacts**

In the event any historic artefacts and/or debris is discovered in the development process, works are to stop immediately and contact Aboriginal Affairs on 1800 762 003. **Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

##### **Permit Expiry**

Refer to the notes on the reverse of this permit for details of when this permit expires.

##### **CFA Comments**

FA provides the following comments in regard to the required amendments:

- The amended BMP is to have a reference number, version and date
- The Defendable Space preamble is to note "buildings" as there are several buildings subject to the defendable space condition not just one
- The water supply tank and remote outlet have been relocated on the BMP to match the site plan – this will require the pipework size/diameter between the tank and the remote outlet to be increased as the length of the pipework is greater than 60mts (approx. 66mts)
- The proposed water supply cannot be labelled "Fire Service Water Storage Tank" as it is not an onsite fire service as required by the Building Code (NCC) – it is for bushfire fighting only

CFA supports a canopy separation of two metres as the site is covered by BMO1 and given the proposed siting of various buildings and the car parking, the canopies of any planted trees are unlikely to be closer than two metres.

At the time a building permit application is lodged, the Relevant Building Surveyor is to determine the fire service requirements in accordance with the Building Code (NCC) if any (it is noted that the Childcare building and Swim School are over 500m<sup>2</sup> therefore are likely to require a fire service in accordance with the NCC Section E1D2 – fire hydrants)

CFA requests that a copy of any permit and a copy of any notice given under section 64 or 65 of the Act be sent to CFA pursuant to section 66 of the Act.

##### **Environmental Health**

###### **Proposed Childcare Centre**

- The business must comply in full with the requirements of the Food Act 1984 and the Food Standards Code.
- Contact must be made with Councils Environmental Health Department to discuss the proposed food handling activities to determine specific registration requirements.
- Separate internal fit out plans will be required to be submitted to Councils Environmental Health Department for review, comment and approval prior to the commencement of works.

- *Connection to Coliban Water's reticulated water and sewerage systems is required, including the provision of a grease trap.*
- *The premises must not cause a nuisance from any noise emanating from or associated with the premises.*

*Proposed Swim School*

- *The aquatic facility will be required to be registered with Council in accordance with the Public Health and Wellbeing Act 2008.*
- *The business must comply in full with the Public Health and Wellbeing Act 2008 and Regulations.*
- *Contact must be made with Councils Environmental Health Department to discuss the proposed swim school development to determine specific registration requirements.*
- *Connection to Coliban Water's reticulated water and sewerage systems is required.*

*General*

- *The entire development must not cause a nuisance from any noise emanating from or associated with the premises*
- *Connection to Coliban Water's reticulated water and sewerage systems is required.*

## 8.2 Planning Authority Decisions

A Planning Authority is defined under Section 12 of the *Planning & Environment Act 1987* and is responsible for implementing the objectives of planning in Victoria and reviewing and preparing amendments to a planning scheme.

## 8.3 Communities

### 8.3.1 Community Grants 2023/2024

<b>Directorate:</b>	Communities
<b>Responsible Officer:</b>	Community Executive Assistant
<b>Manager:</b>	Director Communities
<b>Attachments:</b>	Nil

#### 1. PURPOSE

The Community Grants Program offers financial support to not-for-profit community organisations, groups and associations for projects, events and exhibitions. In the second round of funding, Council has received 18 applications. This report recommends that Council approve 15 successful and three unsuccessful applications to 2023/2024 Community Grants Program (Round two).

#### 2. RECOMMENDATION

##### That Council:

1. approve the following community grant applications;
  - \$2,000 Kyabram AH&P Society Inc., to assist with the purchase of a new photocopier.
  - \$2,702 Welton Recreation Reserve, to assist with Recreation Reserve toilet block improvements.
  - \$4,000 Stanhope & District Development Committee Inc., to assist with the re-establishment of the driveway and pathway to make the community garden accessible for all ages and abilities.
  - \$2,160 Rochester Basketball Association Inc., to assist with a Referee Program to support juniors to become basketball referees.
  - \$2,188 Girgarre Community Group Inc., to assist with the development of an edible garden for Girgarre residents.
  - \$4,000 Colbinabbin Lawn Bowling Club Inc., to assist with concreting the uneven pathway at the north end of the bowls club to make it safe for users.
  - \$3,500 Echuca Bowls Club Inc., to assist with the refurbishment of the outdoor entertainment area.
  - \$3,808 Echuca Moama Theatre Company Inc., to assist with the replacement of inefficient lighting with LED light fittings.
  - \$4,000 Echuca Moama Apex Club Inc., to assist with the creation of a community garden at Crossenvale Community House.

**\$3,419 Rushworth Community House Inc., to assist with the development of a sustainable garden with wicking beds to grow fresh produce.**

**\$1,000 Echuca Regional Health, to assist with the purchase of clothing for the Patient Clothing Program for vulnerable patients.**

**\$4,000 Echuca Moama Broadcast Service Inc. EMFM104.7, to assist with the installation of sound dampening insulation in Studio 1.**

**\$4,000 Bamawm Lockington United Cricket Club Inc., to assist with the construction of an equipment storage shed.**

**\$4,000 Rushworth Golf Club Inc., to assist with the purchase of a golf cart and trailer.**

**\$1,800 Rochester Mural Festival (Committee 4 Rochester Inc.), to assist with the purchase of paint for the murals.**

**2. advise unsuccessful applicants in writing.**

### **3. DISCUSSION**

The Community Grants Program offers financial support to not-for-profit community organisations, groups and associations for projects, events, exhibitions and/or performances which contribute to the municipality, making it a vibrant and stimulating place for people to live, work and visit.

The Community Grants Program has two rounds:

- \* round one, advertised in March, awarded in July
- \* round two, advertised in August, awarded in December (current round)

	<b>Total 2023/2024 Budget</b>	<b>December 2023 Funds Available</b>	<b>December 2023 Allocation</b>	<b>Remaining Balance</b>
<b>Total</b>	<b>\$120,000</b>	<b>\$60,000</b>	<b>\$46,577</b>	<b>\$73,423</b>

This grant program aims to:

- Support not-for-profit community groups that provide a range of opportunities for residents;
- Facilitate support for initiatives that strengthen the community through opportunities for participation, development, inclusion and sustainability;
- Foster support across a range of pursuits and interest areas including health and welfare, community support, arts and culture, sports and recreation, youth, ageing, environment, access and equity;
- Provide an equitable opportunity for groups to seek funding assistance from Council.

Applicants must be an:

- incorporated not for profit group, or
- a Crown Land Committee of Management, or
- a Government Department on behalf of a community group, or
- have their application submitted by an appropriate auspicing body, which meets the above criteria.

Organisations that have licensed gaming / gambling facilities or derive funds from gambling are ineligible to apply.

The applications received were assessed by a panel of three staff, Manager Community Partnerships, Recreation Coordinator and the Executive Assistant Communities using the following assessment matrix.

Criteria	Description
Community / social benefit	<p>Involvement of community members, enrichment of the shire. For example:</p> <ul style="list-style-type: none"> <li>• A plan for engaging the target group is outlined.</li> <li>• The activity or event is being held within Campaspe Shire Council (mandatory).</li> <li>• The application outlines what measures will be used to evaluate whether it has been successful in achieving the stated outcome/s – includes both qualitative and quantitative measures.</li> </ul>
Partnership	<p>Contribution by group or others to the project either cash and/or in-kind, including project partnership participation (not just financial contribution). For example:</p> <ul style="list-style-type: none"> <li>• The application outlines a plan for delivery – including consideration of risk, integration with other partners and innovation.</li> <li>• The application outlines matched funding, in kind support or partner contribution (financial and in kind).</li> </ul>
Council Plan alignment	<p>The application identifies a clear outcome/s, aligned to the strategic priorities of Council as outlined by the Council Plan.</p>
Project	<p>One off project/event. For example:</p> <ul style="list-style-type: none"> <li>• The application responds to one or more of the grant program priority areas.</li> <li>• The application demonstrates innovation and evidence and/or clear reason for why it has been developed.</li> <li>• The application demonstrates consideration of: <ul style="list-style-type: none"> <li>• environmental sustainability</li> <li>• inclusivity of all members of our community and accessibility for all</li> <li>• low or no cost for disadvantaged groups</li> <li>• sustainability - not reliant on ongoing grant funding.</li> </ul> </li> </ul>
Economic benefit	<p>Increase spending to retail, industry and accommodation, enhancement of economic base, or funds spent locally.</p>

Panel members who declared a conflict of interest with any of the applications did not participate in the assessment of those applications.

The successful applicants are required to enter into a Funding Agreement with the Campaspe Shire Council that stipulates the conditions of the grant.

As outlined in the grant guidelines, applicants with outstanding acquittals from a previous Community Grant round are not eligible for funding consideration.

Applications can be for a maximum of \$4,000

18 eligible applications were received this round:

- Total funds available for applications: \$60,000
- Total of applications received: \$61,930
- Total of grants recommended: \$46,577

Organisation	Project details	Amount requested	Project expenditure	Amount recommended
Kyabram Little Athletics Inc.	Purchase a hurdles trolley.	\$3,523	\$3,523	\$0
Kyabram AH&P Society Inc.	Purchase a new photocopier.	\$4,000	\$5,610	\$2,000
Welton Recreation Reserve	Recreation Reserve toilet block improvements.	\$2,702	\$3,416	\$2,702
Stanhope & District Development Committee Inc.	Stanhope Community Garden – re-establish the driveway and pathway to make the garden accessible for all ages and abilities.	\$4,000	\$6,650	\$4,000
Rochester Basketball Association Inc.	Referee Program – supporting juniors to become basketball referees.	\$3,560	\$3,560	\$2,160
Girgarre Community Group Inc.	Happy Harvest Neighbourhood Garden – development of an edible garden for Girgarre residents.	\$2,188	\$10,282	\$2,188
Colbinabbin Lawn Bowling Club Inc.	North End upgrade – concrete uneven pathway at the north end of the bowls club.	\$4,000	\$8,117	\$4,000
Echuca Bowls Club Inc.	Replacement and upgrade of outdoor entertainment area.	\$3,500	\$4,500	\$3,500
Echuca Moama Theatre Company Inc.	Renew lighting – replacement of inefficient light fittings with LED lighting.	\$3,808	\$3,808	\$3,808

SalamFest Inc.	SalamFest RumiMobile – exhibition that showcases a car painted by Muslim and First Nation artists including calligraphy workshops.	\$4,000	\$4,500	\$0
Echuca Moama Apex Club Inc.	Create a community garden at Crossenvale Community House.	\$4,000	\$6,472	\$4,000
Rushworth Community House Inc.	Sustainable gardening – setting up wicking beds to grow fresh produce.	\$3,419	\$3,419	\$3,419
Echuca Regional Health	Patient Clothing Program for vulnerable patients.	\$1,000	\$1,000	\$1,000
Echuca Moama Broadcast Service Inc. EMFM104.7	Sound dampening insulation panels for Studio 1.	\$4,000	\$4,380	\$4,000
Bamawm Lockington United Cricket Club Inc.	Construction of an equipment storage shed.	\$4,000	\$25,424	\$4,000
Rushworth Golf Club Inc.	Purchase a golf cart and trailer	\$4,000	\$8,000	\$4,000
Stanhope Outdoor Pool (Stanhope Community Aquatic Centre Inc.)	Stanhope Outdoor Pool mural	\$4,000	\$4,000	\$0
Rochester Mural Festival (Committee 4 Rochester Inc.)	2024 Rochester Mural Festival – purchase paint and entertainment for the last day of the festival.	\$2,500	\$25,000	\$1,800
<b>TOTAL</b>		<b>\$61,930</b>	<b>\$135,108</b>	<b>\$46,577</b>

Council's contribution of \$46,577 will lead to the provision of projects to the value of \$123,085.

#### 4. CONSULTATION

##### Internal consultation:

- Executive Leadership Team

##### External consultation:

- Not required

##### Councillors:

- Not required



## **5. STRATEGIC ALIGNMENT**

### **Council Plan 2021-2025**

#### **Growing quality of life**

Communities have a say on local infrastructure and attractions that stimulate engagement and activity

Children, young people and families healthy and well

Inclusive, connected, culturally diverse and safe

Access and Inclusion Strategy

## **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

In line with Policy 176 Grants Sponsorships and donations programs.

## **7. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

## **8. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

Council budgets for two rounds of community grants each year.

## **9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

The Community Grants Program supports not for profit community groups and associations to carryout projects and provide exhibitions and/or performances that contribute to the health and wellbeing of the community.

## **10. 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.

## **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

The officer declares no conflict of interest.

## **12. CHARTER OF HUMAN RIGHTS**

This report complies with the Charter of Human Rights.

## **13. INSTRUMENT OF DELEGATION**

The officer acts within their delegation of authority.

## 8.3.2 Southern 80 Multi-year agreement

**Directorate:** Communities

**Responsible Officer:** Manager Tourism, Arts & Culture

**Manager:** Director Communities

**Attachments:** 1. 2024 2025 2026 Southern 80 Multi Year MOU [8.3.2.1 - 4 pages]

### 1. PURPOSE

To seek Council's approval to enter a three-year funding agreement with the Moama Water Sports Club (the Club) to support the delivery and growth of the 2024, 2025 & 2026 Southern 80 Ski Race.

Moama Water Sports Club have requested financial support of \$30,000 plus GST plus voluntary contribution support of \$25,000 plus GST per annum.

The voluntary contribution request amount was dependent on Emergency Services approval of pedestrian access to Victoria Park (Finish Line Precinct), noting if not approved, Moama Water Sports Club will seek additional cash support to provide buses.

### 2. RECOMMENDATION

**That Council agree to:**

- 1. Exempt the 2023 Southern 80 Ski Race from the Campaspe Shire Event Strategy 2019-2024 and the funding guidelines for community events sponsorship under Council policy 176 Grants, Sponsorships and Donations Programs, which limit the cash contribution to \$5,000.**
- 2. Enter into a three-year agreement with the Moama Water Sports Club for the delivery of the Southern 80 Ski Races with the following contribution:**
  - 2024- \$30,000 + GST cash and \$25,000 + GST voluntary contribution,**
  - 2025- \$25,000 + GST cash and \$25,000 + GST voluntary contribution,**
  - 2026- \$25,000 + GST cash and \$25,000 + GST voluntary contribution.**

### 3. DISCUSSION

The Moama Water Sports Club (the Club) hosts the annual Southern 80 Water Ski Race on the Murray River, starting in Torrumberry and finishing at the Victoria Park Boat Ramp, Echuca. Historically the event is held in February, but due to COVID and floods, the last two years were in March and April.

Over the past 50 years the event has grown into a ski race of international significance attracting participants from all over Australia and New Zealand, as well as the UK and the USA.

The club hosts a ticketed finish line precinct at Victoria Park, Echuca, and on a typical year would have approximately 5,000 participants visit this site each day. However, most spectators enjoy the race from vantage points along the river and therefore it is challenging to confirm the exact number of attendees. Event organisers together with both councils (Campaspe Shire Council and Murray River Council), Victoria and NSW Police, NSW Roads and Maritime, Parks Victoria & NSW Environment and Forests attempt to estimate attendance numbers.

Below is an overview of the estimated number of attendees for recent years and the estimated economic impact. Please note that the event was cancelled in 2021 due to the COVID.

<b>Year</b>	<b>Estimated # Attendance</b>	<b>Estimated Economic Benefit</b>
2019	35,000	\$13.7 million
2020	30,000	\$9.3 million
2021	-	-
2022	5,000	\$2.2 million (rescheduled to May instead of February resulting in decreased competitors and spectators).
2023	18,000	\$9.8 million (rescheduled to March)

Over the event weekend, local accommodation is near capacity with many attendees also camping along the river (free camping) or staying with friends and family.

Council has provided the Southern 80 with cash funding and additional council support for many years, initially through the Community Grant - Major Event process, then the Events Strategy 2019-2024 which introduced multi-year agreements for hallmark events.

In 2015 the Club approached Council urgently seeking an increase in cash assistance from \$5,000 to \$25,000 due to financial difficulties and the event's future being in jeopardy. From 2016 to 2022, funding has been supported through two 3-year multi-year agreements.

December 2022 saw Council agree to a one-year agreement for the 2023 race, \$25,000 cash, and \$25,000 additional council support.

In 2023 Council's additional council contribution for the Southern 80 consisted of;

- Traffic Management (Finish Line Precinct and Hare Street Static Display);
- Waste Management (Finish Line, Briefing Location, Hare Street Static Display);
- Temporary Toilets (High Street);
- Use of Victoria Park Boat Ramp area for 10 days (exclusive for 5 days);
- Parks & Gardens including Tree Management Strategy works (general works but tailoring it around the timing of S80);
- Hire of Temporary Fence panels and installation;
- Event evaluation;
- Banners for the Echuca CBD Flag Poles and hire fee.

If required:

- Road Grading of Vic Park Entry;
- Watering for roads off Murray Valley Hwy accessing the river utilised by campers (to minimise dust for the residents).

Due to the lack of pedestrian access from Crofton Street down to the Finish Line Precinct, and new conditions enforced around the Boat Ramp, Councils support was increased to \$35,000. This included support for:

- Event Shuttle Buses;
- Pedestrian Control at Boat Ramp.

Murray River Council provides support to the Southern 80 Ski Race on an annual basis. The event receives \$12,000 in funds and approx. \$8,000 additional council support which consists of waste and traffic management (Perricoota Road and the 5 Mile).

#### **4. CONSULTATION**

##### Internal consultation:

- Executive Leadership Team
- Tourism Development Manager

##### External consultation:

- Moama Water Sports Club
- Murray River Council

##### Councillors:

- Tuesday 3 October 2023 Council Briefing Session.

#### **5. STRATEGIC ALIGNMENT**

##### **Council Plan 2021-2025**

##### **Flourishing local economy**

A resilient long-term economy attractive to local and external investors.

Echuca Moama enjoys a strong reputation for its tourism sector and events calendar. This reputation attracts visitors to the region who spend money on accommodation, attractions, hospitality, retail, and other services. Tourism and events have positive economic impacts on other industry sectors such as food wholesalers, laundry/linen services, cleaning services, training organisations, printing companies etc. This reputation drives investor confidence, not only for tourism businesses, but other businesses who consider the liveability of a region for their employees.

Events provide our community with local opportunities to enjoy music, sport, and other pursuits without the need to travel.

#### **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

2019-2024 Event Strategy

#### **7. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

#### **8. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

The Moama Water Sports Club require financial support from Campaspe Shire to stage the Southern 80 Water Ski Race. If Council were unable to support the event financially then this would create a shortfall in the event budget and potentially jeopardise the staging of the event.

The Southern 80 Water Ski race attracts visitors to the region for the event weekend which provides a boost to the local economy. It is recognised that many of the competitors visit the region in the lead up to the event and the competitive ski racing season to hone their skills. Some of these visitors have purchased holiday homes and/or re-located to the region because of their passion for the Murray River, ski racing and the lifestyle on offer.

## **9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

Echuca Moama is well known for its tourism offering and events calendar. The Southern 80 water ski race is an important event which attracts many attendees, reinforces the liveability of the destination, and highlights the recreational opportunities available on the Murray River.

Should Council only provide the Moama Waters Sports Club with \$5,000 financial support, rather than the \$55,000/\$50,000 being requested, this may jeopardise the staging of the event and have negative implications for Council in terms of reputation.

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

#### **Issue 1: River Height**

As the river height continues to fluctuate the Moama Water Sports Club have a secondary date (13-14 April 2024) earmarked with Ski Racing Australia if required.

#### **Issue 2: Rising Costs**

The economic impact of COVID and the floods has resulted in the event losing key local sponsors. Revenue from the merchandise sponsor has also reduced by 50%. 2023 was the last year of a three-year sponsorship with Destination NSW which was valued at \$75,000 per annum. This will not be renewed for 2024. With the loss of sponsors and increase in compliance costs the Moama Waters Sports Club is struggling financially to host the event.

Increased compliance often means an increase in cost. An example of this is the requirement to now have a qualified Safety Officer as part of the Place of Public Entertainment permit, and professional Traffic Controllers at the boat ramp.

The Southern 80 has struggled to get funding support from the Victorian Government as the government classifies the race as 'Sport and Recreation' rather than a 'Tourism Event' and they are hesitant to be associated with an event that has an elevated risk of competitor injury. An outcome from the last Council's last funding agreement was Council to assist the club to lobby the Victorian State government to re-consider its position for the provision of funding for the event. The Club has been in discussions with the Murray Regional Tourism Board and have now applied to Visit Victoria's Regional Events Fund-Event Industry Support stream. Maximum funding is \$50,000.

#### **Issue 3: Pedestrian Access at Fishing Line Precinct**

Pedestrian access to the Finish Line Precinct was (and still is) a major concern for the Club in 2023. To solve this issue, all patrons were bussed into the Finish Line Precinct from the top of Victoria Park. Given the lateness of this requirement, Campaspe Shire Council provided additional funding for buses as this cost had not been budgeted for.

The following issues that restricted pedestrian access were:

- Levee bank (beside the Echuca Holiday Park) is no longer able to be used for pedestrian access,

- It is not permitted to funnel all patrons entering and exiting the Finish Line Precinct over the Boat Ramp;
- New tennis court area was a construction site and eliminated some of the pedestrian access that was used in 2022;
- Changes in Traffic Management compliance (requirement of water filled barriers instead of general pedestrian fencing etc.)

#### Issue 4: Committee & Volunteer Burn Out

The Moama Water Sports Club have 15 volunteers, one active Life Member and one paid employee. Meeting twice a month for seven months and weekly for five months of the year, many committee members contribute over 30 hours a week in the weeks leading up to the event. The Southern 80 would not occur without the assistance of twelve different community groups over the weekend. Support varies with some supplying four to five people, while others supply over 20- 30 people.

### **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

In accordance with Section 130 of the *Local Government Act 2020* (Vic), the officer preparing this report declare no con of interest regarding the matter.

### **12. 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.

### **13. INSTRUMENT OF DELEGATION**

This report and its recommendations for support do not align with Council's Event Strategy 2019-2024 and/or Policy 176 Grants Sponsorships and Donations Program which have been previously adopted by Council as the requested amount is outside the current scope. The policies are due for renewal in 2024.



**Southern 80 Water Ski Race Memorandum of Understanding**

This Agreement is between:

Campaspe Shire Council  
and  
Moama Water Sports Club ABN 11002570738  
for the 2024, 2025 & 2026 Southern 80 Water Ski Race

Cnr Hare & Heygarth Streets  
Echuca VIC 3564  
PO Box 35  
Echuca VIC 3564  
P: 1300 666 535  
03 5481 2200  
E: [shire@campaspe.vic.gov.au](mailto:shire@campaspe.vic.gov.au)  
[www.campaspe.vic.gov.au](http://www.campaspe.vic.gov.au)  
ABN 23 604 881 620

**CAMPASPE SHIRE COUNCIL AGREES TO:**

1. Provide financial cash support of \$30,000 (GST inclusive) in 2024, and \$25,000 (plus GST) for the 2025 & 2026 events,
2. Provide additional Council support services to the value of \$25,000 (plus GST) in 2024, 2025 & 2026;
3. Create a Purchase Order for the cash contribution, with the amount broken down into two payments. The first instalment will be 80% of the total amount paid prior to the event in January and the second instalment will be remaining 20% post event when the acquittal report is received;
4. Provide use of the Event Site (outlined in red on the map below) which includes Victoria Park entrance and Echuca Boat Ramp area to the Moama Water Sports Club (you) for the Southern 80 Ski Race on the dates below:

FEBRUARY					Event Dates				
Year	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues
2024	5	6	7	8	9	10	11	12	13
2025	3	4	5	6	7	8	9	10	11
2026	2	3	4	5	6	7	8	9	10

**Non-Exclusive Use** - Echuca Boat Ramp remains open for public use.

**Exclusive Use** - The event site, as outlined in red on the attached map, become the event site of Moama Water Sports Club.

5. Support the event committee with a single point of contact at Council, the Events Support Officer;
6. Provide a single point of contact for Finish Line Precinct liaison, this being Parks & Gardens Coordinator;
7. Ensure the Finish Line Precinct is presented in a clean and tidy manner suitable for the proposed use for the event;
8. Provide the following support;
  - Creation and implement of the Traffic Management Plan for the Finish Line Precinct, which may include Pedestrian Control staff at Boat Ramp as long as this does not exhaust the Voluntary Contribution allocation;
  - Additional Waste Management at the:



- Finish Line Precinct
  - Briefing Zone - Moama Water Sports Office, 10 Despatch Street, Echuca
  - Start line in Torrumbarry,
- Additional road grading of Victoria Park entry as required;
  - Additional watering of four unsealed roads as required (Fraser Road, O'Dwyer Road, Casey Road, Braund/Latham Road) off Murray Valley Hwy to cater for the increased road traffic and to minimise dust for residents;
  - Temporary Toilets (High Street) as requested by Victoria Police;
  - Hire of the nine (9) Echuca CBD flagpoles. The Southern 80 flags will be erected on the Monday prior to the event and removed on the first Monday after the event has concluded;
9. Assess trees in the Finish Line Precinct as per Council's Tree Management Strategy (Tree Management Plan) and conduct any urgent remedial works identified at least one week prior to event set up;
  10. Assist the Event Committee to identify potential funding/sponsorship opportunities and advocate for increased support;
  11. Provide the Council logo for use on Southern 80 promotional material.

**MOAMA WATER SPORTS CLUB AGREES TO:**

1. Complete the Campaspe Shire Council Event Application Form including the POPE, relevant TOP's, emergency and risk management plan in a timely manner;
2. Obtain all of the required event permits annually, at least 60 days prior to the event and provide a copy of the Aquatic Licence from NSW Roads & Maritime to the Event Support Officer;
3. Ensure that Council is recognised as a sponsor of the event to the value of \$55,000 in 2024 and \$50,000 in 2025 & 2026. Acknowledgement of this support to be determined on an annual basis;
4. Promote Council's support in all media releases, on social media, within the event precinct and at all of the various official functions;
5. Provide copies of all publicity/marketing materials produced for the event, including media coverage to Council;
6. Where applicable tag Campaspe Shire Council on social media posts and use relevant hashtags such as #campaspehire #echucamoama;
7. All communication regarding Council will be of a positive nature;
8. Provide a single point of contact for Council's Parks & Gardens Coordinator for the Finish Line Precinct;
9. Submit two invoices to Council for the cash contribution annually. The first invoice being 80% of the sponsorship to be paid prior to the event, (subject to the NSW Roads & Maritime Aquatic License being granted) second being for the remaining 20%. This is to be paid post event when the grant acquittal has been received and reviewed;
10. Complete and submit to Council an event report and financial acquittal by 30 June each year, addressing the following Key Performance Indicators;



- A growth in the number of participants in the various ski races
- A growth in the number of spectators at the Finish Line Precinct
- Marketing and publicity of the event in regional VIC/NSW and metro areas,
- Utilisation of the Council logo on marketing material

11. Work with Council on ideas for new events to be held within the municipality;
12. Provide Southern 80 flags (9) to the Event Support Officer to be erected on the Echuca CBD flagpoles two weeks prior to the event;
13. Bear all financial and legal responsibility for the event.

SIGNED by

Pauline Gordon  
Chief Executive Officer  
Campaspe Shire Council

for and on behalf of  
**CAMPASPE SHIRE COUNCIL**

Signature:

Date:

SIGNED by

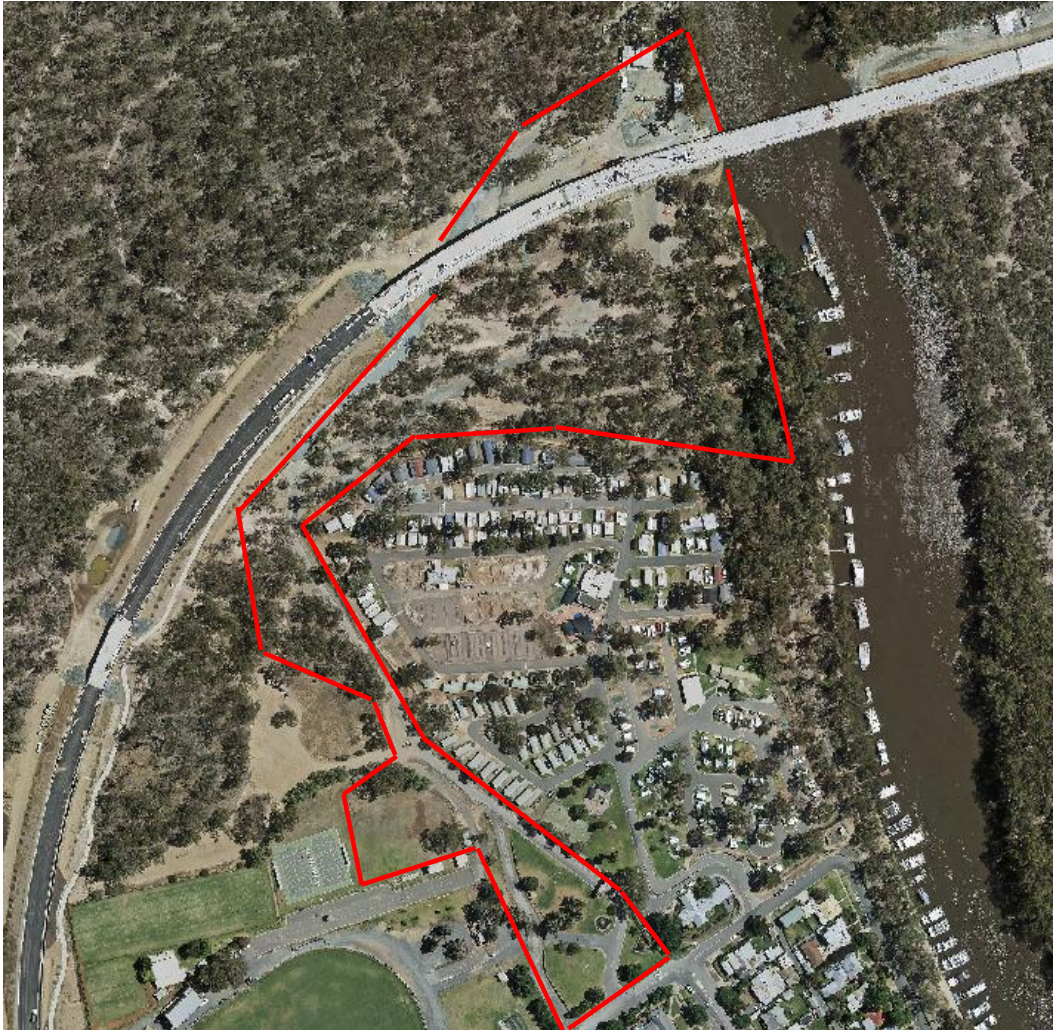
Steve Shipp  
President, Moama Water Sports Club

for and on behalf of  
**MOAMA WATER SPORTS CLUB**

Signature:

Date:





## 8.4 Corporate

### 8.4.1 Review of Remuneration for Audit and Risk Committee

**Directorate:** Corporate

**Responsible Officer:** Director Corporate

**Manager:** Chief Executive Officer

**Attachments:** 1. Victorian Government Appointment and Remuneration Guidelines [8.4.1.1 - 45 pages]

#### 1. PURPOSE

The purpose of this report is to provide a proposed change to remuneration for the Chairperson and Independent Members of Council's Audit and Risk Committee.

#### 2. RECOMMENDATION

**That Council approves:**

- 1. That remuneration for Audit and Risk Committee Chairperson and Independent Members be paid in line with the Victorian Government Appointment and Remuneration Guidelines – Group B Organisation, Daily Fee Paying Boards, Band B1 (the Guidelines).**
- 2. The Chairperson being paid 2 times the Guidelines' maximum daily amount per meeting attended, which is \$1,396 (\$698.00 x 2).**
- 3. The Independent Members being paid 1.5 times the Guidelines' maximum daily amount per meeting attended, which is \$1,047 (\$698.00 x 1.5).**
- 4. The Independent Members being paid a travel allowance per meeting attended in person, set at \$100.**
- 5. That remuneration be reviewed and increased annually in line with the Guidelines' increases.**
- 6. That the travel allowance be reviewed and increased annually in line with inflation.**

#### 3. DISCUSSION

The Audit and Risk Committee Charter requires a review of remuneration for members of the Audit and Risk Committee every four years. This review is now due. The review calls for a comparison of other similar sized Councils.

Comparison with the Super 11 group of like sized councils has been undertaken together with some additional similarly sized Councils to investigate the remuneration offered by each council in comparison to Campaspe Shire Council.

The current framework for Campaspe Shire Council's Audit and Risk Committee remuneration has some variability to other councils, including:

- Campaspe is the only Council that pays a quarterly allowance, regardless of whether the member attends each meeting or whether meetings are held. All other councils pay per meeting attendance.

- There is quite a range of remuneration (ranging from \$300 per meeting to \$1,650 per meeting). Campaspe sits in the middle with larger councils generally paying more and smaller councils paying less.
- Ten of the thirteen Councils whose remuneration rates were compared pay a higher fee for the Chairperson than the other independent members. Campaspe has not traditionally done this.

Council is being provided with a revised framework for consideration for Campaspe Shire Council's Audit and Risk Committee remuneration, which has a sound basis for the setting of remuneration levels.

The proposed model is similar to that incorporated under the Moyne Shire Council Audit and Risk Committee Charter and would be set at a fee per meeting in line with the Victorian State Government's publication Victorian Government Board Appointment and Remuneration Guidelines (<https://www.vic.gov.au/guidelines-appointment-remuneration>). These guidelines are used for payment of public sector boards and committees.

In addition to this, the proposed framework recognises the additional effort required by the Chairperson before and after meetings to:

- Review agendas and minutes prior to sending to the broader committee.
- Attend briefing sessions to present the annual and half yearly audit and risk reports to Council.
- Have responsibility of running meetings.

An increase in remuneration for the Chairperson above that of an independent member is proposed and provides an additional incentive for independent members to take on the role of Chairperson.

The proposal is to set remuneration as follows:

- Amounts shall be payable in accordance with the Victorian Government Board Appointment and Remuneration Guidelines – Group B Organisation (based on our assessment of Campaspe as medium sized organisation). The applicable amount payable will be based on the maximum amount in accordance with Band 1 as follows:
  - Independent members shall receive 1.5 x the maximum amount for a Schedule B Band 1 Chairperson per meeting.
  - The Chairperson shall receive 2 x the maximum amount for a Schedule B Band 1 Chairperson per meeting.

The July 2023 Band 1 maximum daily rate for a chairperson is set at \$698. The remuneration levels set in the guideline are reviewed each July.

The above method of allowing 1.5 days paid time per member per meeting recognises that preparation for each meeting involves not only reading the agenda and participating in the meeting itself but also researching relevant legislation, policy, and government and external body reports pertaining to governance and risk issues. Members are expected to provide expertise and to keep abreast of current developments in governance and risk management through additional reading and research, often delving into reports and research provided to the committee by Council's auditors. An additional half day per meeting has been allowed for the extra duties the chair is required to undertake as discussed above.

Under this approach, Independent Members attending five meetings in a financial year will receive \$1,047 per meeting, which equates to an annualised remuneration of \$5,235, an increase of 41% over the amount Independent Members currently receive.

The Chairperson will receive \$1,396 per meeting which equates to an annualised remuneration across five meetings of \$6,980 which is 89% higher than the Chair currently receives.

If a committee member does not attend a meeting, they will not be entitled to any remuneration for that meeting.

What this would mean in practice is shown in the table below:

	Current Rate	Proposed Rate		
	Annualised Remuneration	Per Meeting	Annualised Remuneration (based on 5 meetings per year)	Annualised % Change
Member	\$ 3,700.00	\$ 1,047.00	\$ 5,235.00	41%
Chairperson	\$ 3,700.00	\$ 1,396.00	\$ 6,980.00	89%

The change above will bring Campaspe Audit and Risk Committee member remuneration in line with other similarly sized councils including Bass Coast, Baw Baw, Mitchell and Colac Otway.

In line with the Victorian Government Board Appointment and Remuneration Guidelines, officers are also proposing that Council consider an allowance to cover the cost for independent member travel. The proposal is to pay \$100 per meeting for travel for each member, with a set allowance aiming to minimise the administrative burden for staff and members whilst still offering fair compensation for travel costs. The travel allowance will be indexed with CPI each July (based on the most recently available annualised CPI figure at that time – usually the March Quarter). Travel allowance will only be paid where members attend a meeting in person (ie. Will not be payable where the member attends virtually).

Where an audit and risk committee member is requested to undertake additional formal duties on behalf of Council, such as sitting on an interview panel, remuneration will be paid based on the Band 1 maximum daily rate for a chairperson.

Note audit and risk committee members have been paid for the first quarter of the current year at the existing remuneration rate but have not yet been paid for the October-December quarter. Officers propose that the new remuneration schedule be implemented from the start of the current quarter (1 October 2023) and that members who attended the Audit and Risk committee meeting held 26 October 2023 be paid as per the proposed new remuneration rates.

#### 4. CONSULTATION

##### Internal consultation:

- 16 August 2023 Executive Leadership Team
- 8 September 2023 Audit and Risk Committee (for information).
- 26 October 2023 Audit and Risk Committee (for information).

##### External consultation:

- Nil

##### Councillors:

- 29 August 2023 Council Briefing Session.
- 14 November 2023 Council Briefing Session.

## **5. STRATEGIC ALIGNMENT**

### **Council Plan 2021-2025**

Nil

## **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

Audit and Risk Committee Charter

## **7. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020 (Vic)* provides that Council decisions are to be made and actions taken in accordance with the relevant law.

Section 53(6) of the *Local Government Act 2020 (Vic)* states that “A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.”

## **8. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020 (Vic)* provides that the ongoing financial viability of the Council is to be ensured.

An allocation for the Audit and Risk Committee remuneration is included in the annual budget.

## **9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

The Audit and Risk Committee consider strategic and operational risks of the Council, which can include economic, social and environmental risks.

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

The Audit and Risk Committee is a legislated committee of Council which requires members who have expertise in financial management and risk, and experience in public sector management. The remuneration on offer to the Committee should be reflective of this requirement.

### **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.

## **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020 (Vic)* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

## **12. CHARTER OF HUMAN RIGHTS**

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

## **13. INSTRUMENT OF DELEGATION**

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

# Appointment and Remuneration Guidelines

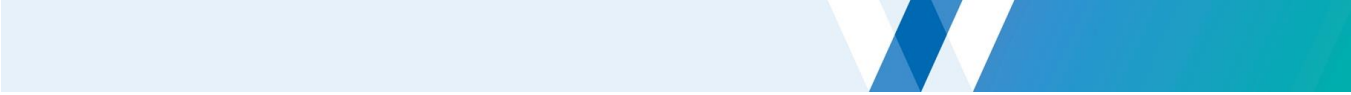
Effective from **October 2023**

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## 1. The Guidelines support good governance of Victorian government entities

- 1.1. These Guidelines are issued by the Premier to support good governance in Victoria by outlining the standard processes and principles to appoint and remunerate appointees to Victorian government non-departmental entities.
- 1.2. Non-departmental entities play an important role in the Victorian government. These entities often manage significant services and funds on behalf of the community or provide advice to assist with significant government policy decision making. Further detail on the types of entities that are within scope of the Guidelines is at [section 2](#).
- 1.3. The standard processes in these Guidelines ensure the integrity of appointments, and a fair and consistent approach to appointments to non-departmental entities.
- 1.4. These Guidelines are issued by the Premier and administered by the Public Sector Governance team, Governance Branch, Department of Premier and Cabinet (DPC), [publicsectorgovernance@dpc.vic.gov.au](mailto:publicsectorgovernance@dpc.vic.gov.au).

### Key contacts for help and advice

- 1.5. In the first instance departmental ministerial services or governance teams can assist with any queries relating to these Guidelines. Departmental contact details are outlined below.

Department	Contact details
Education	<a href="mailto:cabinet@education.vic.gov.au">cabinet@education.vic.gov.au</a>
Energy, Environment and Climate Action	<a href="mailto:governance@delwp.vic.gov.au">governance@delwp.vic.gov.au</a>
Families, Fairness and Housing	<a href="mailto:appointments@dffh.vic.gov.au">appointments@dffh.vic.gov.au</a>
Government Services	<a href="mailto:statutoryappointments@dgs.vic.gov.au">statutoryappointments@dgs.vic.gov.au</a>
Health	<a href="mailto:appointments@health.vic.gov.au">appointments@health.vic.gov.au</a>
Jobs, Skills, Industry and Regions	<a href="mailto:cabinetteam@ecodev.vic.gov.au">cabinetteam@ecodev.vic.gov.au</a>
Justice and Community Safety	<a href="mailto:statutoryappointments@justice.vic.gov.au">statutoryappointments@justice.vic.gov.au</a>
Premier and Cabinet	<a href="mailto:publicsectorgovernance@dpc.vic.gov.au">publicsectorgovernance@dpc.vic.gov.au</a>
Transport and Planning	<a href="mailto:apptsandexco@transport.vic.gov.au">apptsandexco@transport.vic.gov.au</a>
Treasury and Finance	<a href="mailto:CabinetAnd.ParliamentaryServices@dtf.vic.gov.au">CabinetAnd.ParliamentaryServices@dtf.vic.gov.au</a>

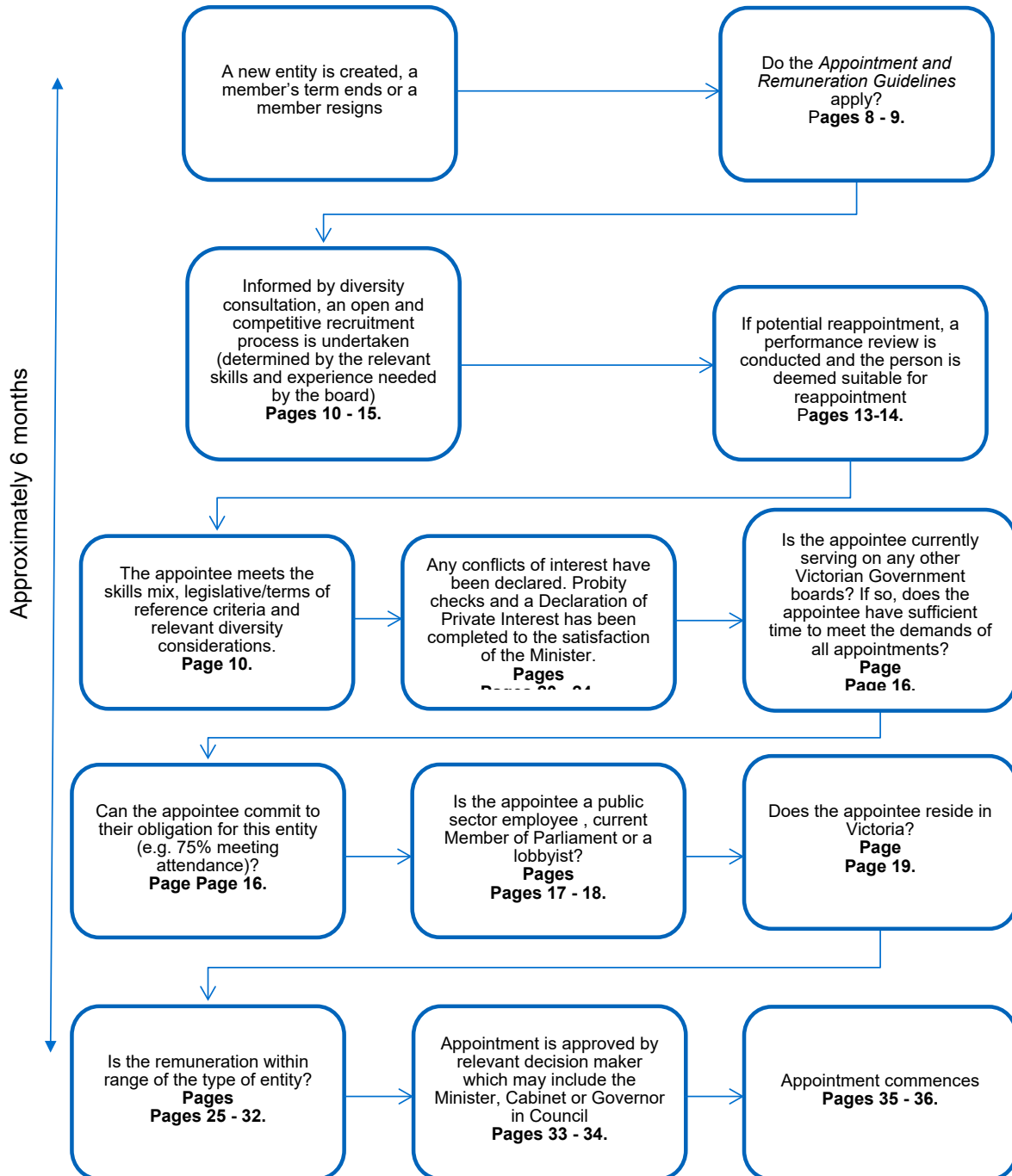
1.6. Other contacts that can assist are outlined below

Area	Contact details
Governance Branch, DPC	<a href="mailto:publicsectorgovernance@dpc.vic.gov.au">publicsectorgovernance@dpc.vic.gov.au</a>
Cabinet Office, DPC	ph: 9922 7213
Clerk of the Executive Council, DPC	<a href="mailto:executivecouncil@dpc.vic.gov.au">executivecouncil@dpc.vic.gov.au</a>
Diversity on boards (Women, Multicultural Equality, Youth and Disability), DFFH	<a href="mailto:diversityonboards@dffh.vic.gov.au">diversityonboards@dffh.vic.gov.au</a>
Diversity on boards (Aboriginal), First Peoples - State Relations, DPC	<a href="mailto:Secretariat.AA@dpc.vic.gov.au">Secretariat.AA@dpc.vic.gov.au</a>
Diversity on boards (Regional), Regional Development Victoria	<a href="mailto:rdv@rdv.vic.gov.au">rdv@rdv.vic.gov.au</a>
Victorian Public Sector Commission	<a href="mailto:info@ypsc.vic.gov.au">info@ypsc.vic.gov.au</a>

## If a new non-departmental entity is being created, the Premier's Circular on the Creation and Review of Entities applies

- 1.7. The Premier's Circular No. 2013/2, *Creation and Review of Non-Departmental Entities* applies to the creation of new non-departmental entities. Under this Premier's Circular, a series of steps, including Cabinet approval, is required for the creation of new non-departmental entities. The Circular also provides guidance on the creation of new entities.
- 1.8. A copy of the Premier's Circular No. 2013/2, *Creation and Review of Non-Departmental Entities* and associated process document is available on request from Governance Branch at [publicsectorgovernance@dpc.vic.gov.au](mailto:publicsectorgovernance@dpc.vic.gov.au)

## A summary of key considerations during the appointments process



## 2. The Guidelines apply to all appointments to non-departmental entities

2.1. In these Guidelines, non-departmental entities are defined as entities:

- That are established by or under legislation, an order of the Governor-in-Council, or a minister;
- where the right to appoint at least one half of the governing body of the entity is vested in the State; and
- that exercise a public function or are wholly owned by the State. Judicial functions are excluded.

2.2. In these Guidelines, non-departmental entities are divided into 'boards' and 'single officer roles':

'**Boards**': The Guidelines refer to a 'board' as a generic term. The term 'board' may include:

- **Boards of management** which are responsible for strategy and direction. Boards of management include the boards Statutory Authorities, State Owned Enterprises and Government Business Enterprise and trusts
- **Advisory boards and committees** that provide policy, industry or technical advice, including ad hoc expert panels
- **Registration boards** such as qualifications, regulatory or licencing bodies
- **Quasi-judicial bodies or tribunals** where there is no other framework governing remuneration and appointment
- **Inquiries** under the *Inquiries Act 2014* (Vic).

'**Single officer roles**': Include, but are not limited to, single statutory office holders and Commissioners. A 'single officer role' can be established under legislation or at the Government's discretion, through appointment by the Governor in Council, a Ministerial instrument of appointment, or the prerogative power of the Crown to create public offices.

Factors that indicate that a role is a 'single officer role' for the purposes of the Guidelines are:

- The appointment is the primary employment of the appointee
- The appointee is expected to work a set number of days per week
- The appointee is restricted from engaging in additional employment, or requires approval to do so

All single officer appointments require Cabinet approval.

Despite the term, single officer roles may include roles where there are multiple identical or similar single office roles that are appointed to the same non-departmental entity. For example, multiple Commissioners appointed to the same Royal Commission.

Queries relating to whether an appointment should be treated as a single officer appointment for the purpose of these Guidelines should be directed to Governance Branch DPC.

- 2.3. While the process steps of these Guidelines apply to single officer appointments, the remuneration schedules (set out in Schedules A, B, C and D) **do not apply** to these appointments (see [section 7.1 to 7.3](#)).
- 2.4. Appointments subject to these Guidelines may also be subject to legislative requirements. If the Guidelines are inconsistent with legislative requirements or specifications, legislative requirements or specifications take precedent over these Guidelines.

### The Guidelines do not apply to the following entities

- 2.5. The Guidelines **do not** apply to:
  - the employment of public service or public sector employees; including executives
  - departmental entities, for example interdepartmental committees that consist of departmental employees rather than external appointees
  - external contractors or consultants engaged to advise departments or other public entities
  - school councils
  - entities whose remuneration is set by or tied to the *Judicial Entitlements Act 2015* (Vic), however, the Guidelines represent best practice for these appointments.

### The Guidelines partially apply to the following entities

- 2.6. The Guidelines **partially apply** to a Committee of Management incorporated under the *Crown Land (Reserves) Act 1978* where committee members are unremunerated. If such a committee has an annual revenue or cash balance that is:
  - **less than \$250 000 per year**, then appointments to that committee are exempt from the Guidelines, except for the requirement to complete, before appointment:
    - a Declaration of Private Interests; and
    - a National Personal Insolvency Index check an Australian Securities and Investment Commission banned and disqualified persons check.
  - **between \$250,000 to \$1 million per year**, then appointments to that committee are exempt from the Guidelines, except for the requirement to complete, before appointment:
    - a Declaration of Private Interests; and
    - a criminal records check, a National Personal Insolvency Index check, an Australian Securities and Investment Commission banned and disqualified persons check.
- 2.7. If a committee of management is exempt from the Guidelines, then Departmental appointment guidelines and policies may still apply to the appointment.
- 2.8. It is recommended that appointments that fall outside the scope of these Guidelines (see [section 2.5](#)) still comply with the Guidelines. This should include the use of merit-based selection processes, completion of probity checks, collection of Declaration of Private Interests forms, and consideration of diversity among appointees.

### 3. A robust recruitment and selection process enables the most suitable appointment to be made from a diverse range of candidates

- 3.1. This section contains a brief overview of the recruitment and selection process. This section should be read in conjunction with:

[Diversity on Victorian Government Board Guidelines](#), which apply to all appointments to which these Guidelines apply; and

[Recruitment and Appointment to the Board – A Governance Officers' Toolkit](#)

#### Best practice is to identify a vacancy and begin the recruitment process at least six months before the expiry of the appointment

- 3.2. All departments are expected to keep rolling schedules of the upcoming appointments within their respective portfolios. Appointments should not be brought to Cabinet more than three months ahead of the appointment commencing, to ensure that, as far as practicable, the appointment is based on current information (see 5.2 of the [Cabinet Handbook](#)).

#### Consider the board composition, skills and diversity matrix

- 3.3. When filling a board vacancy, consideration must be given to the mix of skills and expertise, lived experience, personal qualities, diversity and gender balance of existing board members. All Chairs must maintain a skills and diversity matrix of the board to inform vacancies and assist succession planning. Departments must use the skills and diversity matrix and consult with the Board Chair on the personal qualities, character, reputation, specialist expertise or lived experience required to successfully acquit the responsibilities of the board. A template skills matrix can be found at [Board skills and diversity matrix template](#).

#### A position description should be developed for the specific role

- 3.4. The position description should capture the personal qualities, knowledge, skills and experience that are required for effective performance of the relevant role. The position description should include:
- duties and responsibilities of the position
  - skills or experience required for the position
  - mandatory and desirable selection criteria
  - the terms and conditions of appointment
- 3.5. When developing the position description for a board role, input from the board's Chair should be sought to understand the board's operating environment and current and emerging priorities.



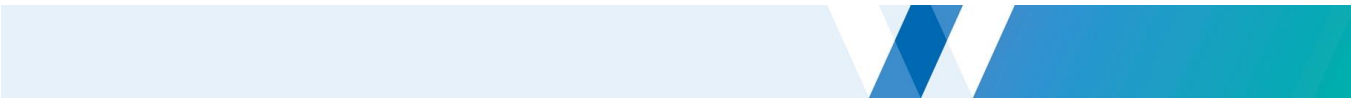
- 3.6. The [Diversity on Victorian Government Board Guidelines](#) provide advice on drafting a position description that is inclusive of diverse candidates.

## Appointments to Victorian Government boards should reflect the rich diversity of the Victorian Community

- 3.7. The [Diversity on Victorian Government Board Guidelines](#) provide general advice to support diversity on boards, including advice tailored to specific groups that experience barriers to participation. Under the Diversity on Victorian Government Board Guidelines, it is **mandatory** to consult with the relevant policy area in relation to each of the following groups:
- Women, cultural and linguistically diverse people, young people, LGBTIQ+ people, people with disability: [diversityonboards@dffh.vic.gov.au](mailto:diversityonboards@dffh.vic.gov.au)
  - Aboriginal people: [Secretariat.AA@dpc.vic.gov.au](mailto:Secretariat.AA@dpc.vic.gov.au)
  - People living in rural and regional communities: Your department's relevant regional group. For broader consultation or additional guidance, consult [rdv@rdv.vic.gov.au](mailto:rdv@rdv.vic.gov.au)
- 3.8. Departments are encouraged to engage with relevant policy areas above during the early planning stage of the recruitment process so that they can add as much value as possible. An outline of the information that should be provided as part of the consultation is provided under the '[Consulting on diversity](#)' section of the Diversity on Victorian Government Board Guidelines.
- 3.9. While the inclusion of young people on boards increases diversity, generally people under the age of 18 should not be appointed to boards. For entities established under the *Corporations Act 2001* (Cth), board directors must be at least 18 years of age.

## The Women on Boards commitment

- 3.10. The [Victorian Government's Women on Boards commitment](#) commenced in March 2015. In 2021, the commitment was refreshed and now requires that:
- for boards and portfolios that have less than 50 per cent women, no less than 50 per cent of all future appointments must be women
  - for boards and portfolios that have at least 50 per cent women, appointments must continue to result in at least 50 per cent women on boards.
- 3.11. The Women on Boards commitment also applies to Chair positions, so that portfolios are required to appoint at least 50 per cent women to new Chair appointments, or maintain at least 50 per cent women as Chairs, on all boards in scope.

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- 3.12. The refreshed Women on Boards commitment applies to Victorian courts and boards, except for the following:
- statutory offices or officers
  - small Crown land committees of management
  - small cemetery trusts
  - school councils.
- 3.13. Ex-officio appointments are to be included in the calculation of the gender balance of boards and portfolios.
- 3.14. The Office for Women, DFFH, must be consulted on all new appointments early in the appointment process, before recruitment via [diversityonboards@dffh.vic.gov.au](mailto:diversityonboards@dffh.vic.gov.au). It is recommended that this consultation occur at the same time as consultation in relation to other diverse groups is undertaken (see 3.7).
- 3.15. All appointment submissions must provide details on the outcomes of consultation with the Office for Women, including how the appointment will affect the gender composition of the board and the portfolio

### **Vacancies should be publicly advertised to attract a strong and diverse range of candidates**

- 3.16. Selection processes should be open, merit-based, fair, and endeavour to attract a diversity of applicants (further details below). At a minimum, each application should be scrutinised by a selection panel, and referees should be contacted for recommended candidates.
- 3.17. In some circumstances a mix of targeted and open approaches to attract or identify suitable candidates may be necessary. More targeted approaches include network referrals, use of established contacts with business and community groups, executive searches and existing talent pools.
- 3.18. In some cases, an entity's terms of reference or constituting legislation will require appointees to be nominated from a particular group or organisation. These requirements must be followed.
- 3.19. In rare circumstances open and competitive recruitment may not be possible or appropriate, for example where there is a very small pool of candidates that meet the specific statutory requirements. If an open and competitive process has not been undertaken, the reasons for this must be explained by the responsible minister in the relevant Cabinet submission or in writing to the Premier, before the appointment is finalised.

## Advertising

- 3.20. It is required that appointment vacancies are advertised on [Join a Public Board](#), the online platform for public sector appointments maintained by the [Victorian Public Sector Commission](#). The site:
- allows potential candidates to apply for appointments and register their interest in future positions
  - provides an end-to-end recruitment system for departments, allowing departments to advertise appointment positions, assess applications and contact applicants
  - is linked with the Government Appointments and Public Entity Database, enabling departmental compliance with the [Administrative Guideline no. 2018/01 Ensuring Good Governance and Transparency Through Integrity of Data on Victorian Government Appointments and Public Entities](#) (see 10.6).
- 3.21. The [Diversity on Victorian Government Board Guidelines](#) provide tailored advice on advertising to attract diverse candidates.
- 3.22. Other recruitment advertising by departments and non-departmental entities must be contracted through the Master Agency Media Service (MAMS). The MAMS contracts are a whole of Victorian government purchasing arrangement for media agency services. For more information see the [Victorian Government communication requirements](#).
- 3.23. Check relevant establishing documents to ensure mandatory requirements for the non-departmental entity are met.
- 3.24. In some cases, specific skills, expertise or qualification criteria will be mandated by the entity's terms of reference or constituting legislation. Departments should ensure compliance with these requirements (e.g. ensuring that the mandatory skill set of an outgoing board member is met by the proposed new appointee or another existing member).

## For reappointments, a performance review is a minimum requirement

- 3.25. In general, candidates being considered for reappointment should undergo the same open and competitive selection process as candidates who have not served on the board or in the single officer role. Where a reappointment is being considered, regard should be given to the skills mix and requirements of the appointment, and the desirability for regular appointee turnover to bring new perspectives and experience to the entity.
- 3.26. If a decision has been made to reappoint a member without an open and competitive selection process, a performance review of the member **must** be undertaken before recommending their reappointment. The relevant Cabinet submission or ministerial brief should include details of the performance review, including feedback from key stakeholders on the member's performance (where applicable). A recommendation for reappointment does not, of itself, constitute a performance review.

3.27. Ministers and departments may choose the approach to assessing performance of appointees that is most suitable in the circumstances.<sup>1</sup> However, in conducting a performance review, ministers and departments may wish to consider the following:

**For board members:**

- how the member has contributed to the strategic direction and operation of the entity,
- how the member has acquitted responsibilities against the Code of Conduct for Directors of Public Entities
- feedback from the Chair on the member's participation and performance.

**For board Chairs:**

- how the Chair has provided leadership to the board and contributed to the strategic direction and operation of the entity
- whether they have fostered a respectful culture and brought together and valued multiple perspectives
- whether they have effectively supported the entity's compliance with relevant legislation and other obligations
- any significant contributions made by the Chair to the entity, and
- how the Chair has managed key relationships (e.g. with the minister and/or the portfolio department).

**For single officer roles:**

- how the member has discharged the requirements of the role, and
- feedback from stakeholders in the appointee's performance (e.g. relevant departmental secretary).

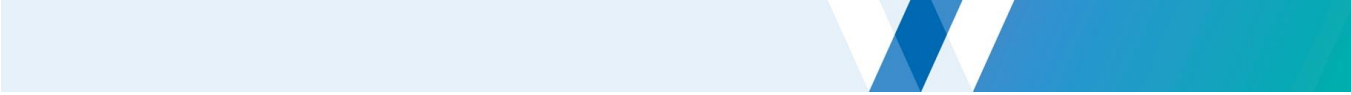
3.28. Performance reviews should be documented in writing. More detailed guidance on board performance assessment is provided in Join a Public Board's Guide, [Assessing Public Board Performance](#).

## Briefing the Minister, Treasurer and Premier

3.29. Ministers are ultimately accountable for appointments to entities within their portfolio. Ministers should therefore approve the proposed selection process and should be kept informed of progress towards selection and appointment of candidates.

3.30. Departments should notify the portfolio minister of upcoming vacancies and the proposed recruitment and selection process to fill vacancies. Ideally this should take place at least six months before the relevant vacancies need to be filled (see [section 3.2](#)).

<sup>1</sup> The *Public Administration Act 2004* requires that the boards of most public entities ensure that adequate procedures are in place for assessing the performance of the board and individual directors: see s 81(c).

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- 3.31. The Premier's Private Office must be consulted for all appointments that require Cabinet approval, as well as any appointments considered important or sensitive. The Cabinet appointment registration form should indicate that this initial consultation has occurred. This does not supplant departmental briefing processes.
- 3.32. Under the *State-Owned Enterprises Act 1992* (Vic) the Treasurer must be consulted for all appointments to all State Business Corporations. The Treasurer's Office must also be consulted on any appointments to other State-Owned Enterprises. Appointments with significant financial implications require consultation with the Treasurer's Office. It is important that the Treasurer's Office is consulted early in the appointment process.

## 4. There are limitations on who can be appointed to public boards

- 4.1. These limitations ensure a diverse representation from the Victorian community and help to avoid actual, potential and perceived conflicts.
- 4.2. Boards should be refreshed regularly to bring new experiences and perspectives.

### An individual should not be reappointed to a board on which they have already served 10 years

- 4.3. Boards should be refreshed regularly to bring new experiences and perspectives.
- 4.4. Ministers seeking to re-appoint someone who has already served on the board for longer than 10 years must explain in the Cabinet submission why other suitable candidates are not available. For example, if the role has been advertised and no other candidate has been identified as being suitable to fill the role.

### An individual should hold no more than three positions on public boards at any one time

- 4.5. This creates opportunities for a larger number of individuals to be represented on Government boards, for boards to more accurately reflect the composition of the community and allows appointees to have sufficient time to devote to their board duties.
- 4.6. Ministers seeking to appoint someone who is already a member of two government boards should explain why other suitable candidates are not available. When seeking to appoint someone on multiple government boards, ministers should have regard to:
  - potential conflicts of interest
  - potential lack of variety in decision making from having the same people on multiple boards
  - the level of responsibilities of board members, including whether the individual is a Board Chair
  - the regularity of meetings.
- 4.7. Appointing ministers should seek assurance that the individual will be able to devote adequate time to their duties in accordance with minimum attendance requirements (an expectation of attendance at a minimum of 75 per cent of meetings).

## Individuals in single officer roles should generally not be appointed to other non-departmental entities

- 4.8. Single officer roles often entail significant functions which require a substantial time commitment.
- 4.9. For some single officer roles, legislation does not permit the appointee to engage in any additional employment without prior approval of the responsible minister.
- 4.10. Ministers seeking to appoint someone who is already a single office holder to another non-departmental entity must explain in the Cabinet submission why other suitable candidates are not available. When seeking to appoint someone who performs a single officer role to another non-departmental entity, ministers should have regard to:
- any relevant statutory requirements
  - potential conflicts of interest
  - the time commitment of the appointments
  - the responsibilities of each appointment
- 4.11. Appointing ministers should seek assurance that the individual will be able to devote adequate time to their duties in accordance with minimum workload requirements. Appointees should notify ministers responsible for their existing appointments before accepting additional appointments, including to ensure that any potential conflicts of interest that may arise from the additional appointment can be appropriately managed.

## Public sector employees are not usually appointed to non-departmental entities

- 4.12. This is due to the risk of actual, potential, or perceived conflict between their role and duties as public servants and as appointees. For additional guidance on when appointment and remuneration (if any) may be appropriate, see sections [8.3 to 8.8](#).

### Who is a 'public sector employee'?

- 4.13. For the purposes of these Guidelines, a 'public sector employee' is defined as:
- a person employed under Part 3 of the *Public Administration Act 2004* (Vic)
  - a person employed as or by a public sector body head or a non-departmental entity via an employment agency or contract. This includes secondments from the private sector and staff acquired through labour hire firms.
- 4.14. Employees of universities and Victorian local governments are not considered to be 'public sector employees' for the purpose of these Guidelines.

## When can public sector employees be appointed to non-departmental entities?

4.15. Some circumstances require that a public sector employee be appointed to a position that is directly related to their role. These circumstances include:

- *ex-officio* appointments (i.e. as a requirement of their substantive position)
- nominees or delegates of a minister or a departmental Secretary
- when there is a statutory requirement for public sector representation.

4.16. In some circumstances it may be permissible to appoint a public sector employee to a position that is not a requirement of their substantive position. This can only occur if:

- they are selected as the result of a merit-based appointment process, carried out in accordance with [section 3](#) of these Guidelines
- their skills, experience and personal qualities are required by the board or single officer role
- specific reason is given as to why the public sector employee is the best candidate for the role
- no material conflict exists between the board appointment and the employee's substantive role. A conflict is not 'material' for these purposes if the conflict is trivial and can be managed with appropriate board procedures. Join a Public Board's [Conflicts of Interest and Duty as a Board Director](#) guide provides advice to identify, avoid and manage conflicts of interest and duty for board members. Prior to the appointment of a public sector employee, written confirmation should be sought from their employer to ensure no material conflict exists.

For guidance on when remuneration (if any) may be appropriate see [sections 8.3 to 8.8](#).

## Members of Parliament should not ordinarily be appointed by the executive government to non-departmental entities

4.17. The role of an MP includes representing their constituents, attending Parliament (including any Committee roles) and, if they are not an independent, representing their Party. These roles can conflict with the roles that are involved in being appointed to a non-departmental entity, such as advising executive Government or overseeing public entities. However, there are instances where MPs are appointed to non-departmental entities, for example where a MP is appointed to assist the Government to engage with a particular sector via a non-departmental taskforce.

4.18. Legal advice is required before appointing a Member of Parliament to a non-departmental entity. If a Member of Parliament is appointed to, and is eligible to be paid for, being a member of a non-departmental entity, they may be in breach of sections 49 and 55 of the *Constitution Act 1975* (Vic) (potentially causing their seats to be vacated) unless an Act allows them to be so appointed. Legal advice must be sought on a case-by-case basis



before any appointment of Members of Parliament to non-departmental entities whether advisory or otherwise.

- 4.19. The appointment must also be authorised by Cabinet. The Cabinet submission should confirm that there is legal advice that the proposed appointment is not in breach of the *Constitution Act 1975 (Vic)*. It should also include reasoning why appointing a Member of Parliament rather than a member of the community is appropriate in the circumstances. Consideration should be given to whether the appointment of a Member of Parliament to a non-departmental entity may impact the relationship between the entity and government (such as the nature of advice and consultation).
- 4.20. Ministers appointed to boards within their portfolio in an ex-officio capacity do not require legal advice.

### It is preferable that appointees reside in Victoria

- 4.21. This is to help ensure that they act in the best interests of the State, understand Victorian issues and due to the high costs associated with inter-state and overseas travel. Circumstances that require the appointment of someone who resides in another state or overseas should be explained in the relevant Cabinet submission or ministerial brief. The Cabinet submission or ministerial brief should also outline whether travel costs will be incurred by the appointee or the entity.

### Lobbyists are ineligible to be appointed to relevant boards

- 4.22. Lobbyists and Government Affairs Directors who must include details in the [Register of Lobbyists](#) (as defined in the [Lobbyist Code of Conduct](#)) are ineligible for appointment to any board that has functions which relate to any matter on which the lobbyist has represented the interests of third parties in the previous 12 months (whether in a paid or unpaid capacity).

## 5. Probity checks and a Declaration of Private Interests are mandatory for all appointments, unless an exemption applies

- 5.1. Probity checks must be undertaken for all appointments, including reappointments, co-opted members, and proxies appointed by Government.

### Probity Checks

- 5.2. Probity checks are used to determine the suitability of a candidate, including whether a short-listed or preferred candidate:
- is or has been insolvent
  - has a police record
  - has been convicted of an indictable offence
  - has been convicted of fraud
  - has been disqualified from acting as a director or acting in the management of a company.
- 5.3. Probity checks provide both the Government and the public assurance that appointees have a history of personal integrity, and a demonstrated capacity to manage their financial and business affairs.
- 5.4. The mandatory completion of a statutory declaration by a candidate attesting to their integrity does not provide sufficient assurance of an appointee's integrity or their capacity to manage business affairs.
- 5.5. Subject to any legislative requirements, a past criminal conviction or declaration of bankruptcy does not preclude a candidate from being appointed. However, consideration should be given to whether the appointee currently has the personal integrity to be effective and authoritative in the role and capacity to manage business affairs.
- 5.6. If a proposed candidate has a disclosable probity outcome, such as a criminal record or a history of bankruptcy, the relevant Cabinet submission should address the probity matter and provide a rationale for why the proposed appointment remains appropriate.
- 5.7. It is recommended that probity checks are not completed too far in advance of an appointment commencing to ensure the information is up to date. It is recommended that probity checks are completed no more than three months prior to Government considering the appointment.

## Mandatory probity checks

- 5.8. At a minimum, departments must obtain the following probity checks for all appointments, subject to any applicable waivers or exceptions described below.

**National Criminal Record Check.** As National Criminal Record Checks can take up to four weeks, it is important that early consideration be given to the completion of probity checks to avoid delays to the appointment process. If a candidate has lived overseas for more than 12 months in the past 10 years or has resided in Australia for less than 12 months, an International Criminal Record Check is also recommended.

**Check of the Australian Securities and Investment Commission (ASIC) Register of Persons Banned and Disqualified.** A register of persons banned or disqualified under the provisions of the *Corporations Act 2001* (Cth). Searches can be undertaken by accessing the [ASIC website](#).

**Australian Financial Security Authority (AFSA) National Personal Insolvency Index (NPII) check.** This database is the public record of personal insolvency proceedings in Australia under the *Bankruptcy Act 1966* (Cth). Information on arranging a search of the NPII can be found on the [AFSA website](#).

The **ASIC Register of Persons Banned and Disqualified** and the **AFSA National Personal Insolvency Index** checks can be performed online with results available immediately.

For *Corporations Act 2001* (Cth) entities, the law does not allow an individual to be an officeholder if they are:

- currently bankrupt;
- subject to a personal insolvency agreement or composition under the *Bankruptcy Act 1966* (Cth); or
- have been convicted of offences like fraud or breaching duties as an officeholder.

## Other background checks should also be undertaken

- 5.9. In determining the suitability of an appointee for a role, departments should also undertake a search of publicly available information to validate the information that the appointee has provided as part of the recruitment process and to ensure that there are no other sensitivities that may impact their appointment.
- 5.10. It is recommended that search include the following:
- web search of appointee's name
  - review of the appointee's LinkedIn profile (if they have one)
  - search of appointee's name in media publications.
- 5.11. Departments should also check if an appointee is registered on the [Register of Lobbyists](#) or the [Register of Government Affairs Directors](#). The [Lobbyist Code of Conduct](#) contains

specific obligations for lobbyists or Government Affairs Directors who are appointees to a government board or committee.

## Management of conflicts must inform the appointment

5.12. A Declaration of Private Interests (DOPI) must be made by all appointees:

- before initial appointment<sup>2</sup>
- if reappointed
- annually during the term of the appointment
- if there is a material change in the appointee's interests (including a change in their substantive employment or if they are appointed to an additional Victorian government board).

5.13. The DOPI is used to identify real or perceived conflicts of interest that could present a significant risk to the operation of the board or entity. Departments may prepare and use their own DOPI templates, noting that they must still address the same topics in the [DPC template DOPI](#).

5.14. Appointments and reappointments are contingent on candidates completing a DOPI, including a conflict management plan for any relevant conflicts, to the satisfaction of the minister. The department briefing the minister on the appointment is responsible for reviewing and identifying any real or perceived conflicts of interest based on their understanding of the appointee's proposed role and assessing the adequacy of the conflict management plan. The department should brief the minister on any proposed conflict management plan.

## Waivers and exceptions

### Ex-officio appointments

- 5.15. Where members are appointed due to holding another office or position (generally a requirement in statute or terms of reference), the member is appointed on an ex-officio basis.
- 5.16. Probity checks and a DOPI are not required if a public sector employee is a member of an entity in an ex-officio capacity.

### Bodies without formal decision-making responsibilities

5.17. On occasion, ministers may approve the waiver of probity checks and a DOPI for appointments to entities without formal decision-making responsibilities over policy, service delivery or public funds. To enable ministers to make this decision, departments must brief the minister on reasons why probity checks need not be undertaken.

<sup>2</sup> As explained in the *Cabinet Handbook*, before Cabinet considers an appointment or reappointment, a DOPI should be received from the candidate and be judged to be satisfactory by the minister.

- 5.18. If the appointment also requires consideration by Cabinet, the submission must state why the minister has determined that some (or all) of the necessary probity checks were not undertaken and/or why a DOPI is not required.

### **Legislative requirement to appoint serving judges in an ex-officio capacity from the Supreme, County or Magistrate's Court**

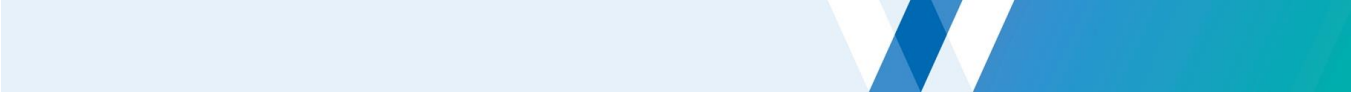
- 5.19. There may be occasions where a judge is appointed to a non-departmental entity, particularly for ex-officio appointments where a judge is required under legislation.
- 5.20. The Chief Justice has pre-existing oversight of probity for judges and the appointment submission should therefore note that probity checks and a DOPI are not required.
- 5.21. In place of a DOPI, serving judges must confirm in writing to the responsible minister that he or she is not aware of any matter that would give rise to a conflict of interest in being appointed to the entity concerned. The appointment submission should note that the minister has received this written confirmation.
- 5.22. This exemption only applies to statutory appointments that require the appointee to be a serving judge. If a serving judge is nominated for appointment to a role that does not have a legislative requirement to appoint a serving judge, standard DOPI and probity requirements apply.

### **Waiver of National Criminal Record Check for Cemetery Trusts**

- 5.23. The secretary responsible for Cemetery Trusts may approve a waiver of a National Criminal Record Check for appointments and re-appointments to unpaid Cemetery Trusts. The responsible secretary may waive this check if he or she considers that the operation or assets of the entity do not pose a significant financial or non-financial risk to the State.
- 5.24. If a waiver is granted to a Cemetery Trust, the circumstances for the waiver must be reviewed by the secretary at least every three years to ascertain that the criteria for granting the exemption are still valid.
- 5.25. The discretion to waive the National Criminal Record Check does not extend to any Cemetery Trust subject to Part 7 of the *Financial Management Act 1994* (Vic).

### **Time-sensitive appointments**

- 5.26. In some circumstances, the appointment process may need to be expedited. This may be the case where an incumbent appointee resigns abruptly, or where Government establishes an inquiry, taskforce, or expert panel to complete a specific task within constrained timelines. Some probity checks (particularly the National Criminal Record Check) can take some time to process, and may not be available when the appointment proceeds to the approval stage. In these circumstances, the appointment may be conditionally approved pending completion of satisfactory probity checks, noting that these checks will need to be completed prior to Governor in Council consideration (where applicable).
- 5.27. If considered by Cabinet, the appointment submission should provide reasons why the appointment is time-sensitive and should seek conditional approval for the appointment



pending completion of satisfactory probity checks. [Section 9](#) provides further information on approval processes.

### **Acting appointments**

- 5.28. Probity checks are not required where an existing member of the board acts in another board position, for example, where a Deputy Chair acts as the Chair.

## 6. Board appointments should be remunerated in accordance with the relevant classification for the board

- 6.1. Each board must be classified into one of the four Groups (A, B, C or D) outlined in the schedules to the Guidelines. Group A include major commercial boards of Corporations Act entities. Group B include significant industry or Government advisory bodies and quasi-judicial tribunals. Group C include advisory committees, registration boards and management boards of smaller organisations. Group D entities are for Government Inquiries.
- 6.2. The classification of an entity determines the level of remuneration and the approval process required for appointments. Departments should retain records of the classification of their portfolio entities. Classifications of existing entities can be found at [public board appointments Victoria](#).
- 6.3. Ministers are responsible for classifying and reclassifying (where required) the entities within their portfolio. However, Governance Branch, DPC, must be consulted when determining the proposed classification or reclassification for all entities. Any remuneration change resulting from the reclassification of a board must be endorsed by Cabinet and/or minister and Governor-in-Council (where required) before any increased payment is made.
- 6.4. Within each of the Schedules outlined below there are bands of remuneration. Ministers determine the level of remuneration from within the specified bands. When setting remuneration levels within the band, consideration should be given to:
  - the nature of the work: whether it is complex, multifaceted and whether the board may be required to direct significant organisational change.
  - the degree of risk and profile of the board, including:
    - whether there is personal risk in both financial terms and personal reputation
    - the degree of accountability and responsibility
    - whether the board independently sets long term strategies and policies and has final authority to decide all strategic and operational directions
    - whether decisions have a major impact on long term organisational performance and will influence the public perception of government.
  - the degree of fiscal responsibility, current economic conditions and relevant financial considerations
  - the skills and experience of the appointee: whether extensive commercial experience or other expert knowledge is required
  - a commitment to gender equality and closing the gender pay gap.

## Boards with governance responsibilities should be paid remuneration as a default position

- 6.5. Subject to any legislative or constitutional requirements, it is generally within Ministers' discretion to set remuneration, including choosing to not pay any remuneration. However, not paying board members who are appointed in their personal capacity may be a barrier to attracting a diverse pool of qualified candidates and may not align with the accountability and professionalism expected of government boards.
- 6.6. As a default position, boards with governance responsibilities should be paid remuneration within their relevant classification. This reflects the significant responsibilities that such boards have in the stewardship and oversight of government entities. The default position does not apply to:
- small Crown land committees of management
  - small cemetery trusts; and
  - school councils.

## Members appointed to annual-fee paying Group A and B boards may be compensated for intensive work on board sub-committees

- 6.7. Ministers may approve additional fees to compensate members of annual-fee paying Group A and Group B boards for work on sub-committees of the board.
- 6.8. When considering providing a board with additional committee fees, ministers should assess the responsibilities, commitment required and the level of remuneration warranted by the committee work and the annual fee level paid to board members. The minister must approve payment of any additional fees.
- 6.9. The approved level of fees are outlined in Schedule A and Schedule B. These fees are an absolute ceiling, regardless of the number of committees to which a board member is appointed and should be considered in the context of the annual fee level paid to board members. Generally, board members should not be involved in more than two committees in addition to their board membership.

## Daily rates – full and half day rates (most B and all C boards)

- 6.10. Daily rates are recommended for all Group C boards and the majority of Group B boards. This is because the workload, regularity of meetings, and other board activities can vary over the course of the year.
- 6.11. The daily rate specified in the relevant Schedule is the maximum payable for official duties on a given day. Where official duties equal or exceed four hours, the maximum should be paid. Official duties of less than four hours should be paid at half the daily rate.
- 6.12. Daily rates are not capped at an annual maximum amount. However, departments should monitor the performance of these entities, and advise the relevant minister as required, to



ensure that payment is made when the relevant duties have been performed and the remuneration structure is appropriate.

6.13. As a guide, 'official duties' may include the following:

- attendance at meetings, including official committee meetings of the board and other necessary activities, such as group site visits
- formal visits with industry representatives
- for Group B and C entities – in special circumstances, authorised by the minister, days spent on additional work directly related to the business of the body, such as preparation of reports formally commissioned for a meeting or for Government. If substantial blocks of time are involved, a separate rate should be negotiated
- for Group D entities only – days spent on work directly related to the business of the organisation (i.e. preparation of reports commissioned for a meeting of the Government).

6.14. Payment must not be made for:

- individual research, or reports (unless authorised by the minister)
- preparation time for meetings (as this is incorporated into the daily fee).

## Remuneration levels for Group D entities are not specified in these Guidelines

6.15. Ministers should determine the level of remuneration for Group D entities on a case-by-case basis, also giving recognition to the intensity of the workload and the expertise required.

## Remuneration above the bands

6.16. In rare cases, a minister may determine that an appointee should be remunerated at an amount above the specified bands. This may be if a board member is asked to adopt a quasi-executive role or take on additional responsibilities. Additionally, the minister may consider factors such as labour market pressures in the relevant industry, remuneration rates of comparable appointments, an increase in the appointee's responsibilities (in either a temporary or ongoing capacity).

6.17. Cabinet approval is required for all proposals to remunerate an appointee above the bands. Departments should consult Governance Branch, DPC, before seeking Cabinet approval.

6.18. To ensure consistency and fairness, Cabinet submissions must provide a strong rationale for why the higher rate is considered necessary.

## There is no separate scale of fees for Deputy Chairs

6.19. If a Deputy Chair is appointed, payment will be made at the members' rate. If the Deputy Chair assumes the role of the Chair, the Chair's fee will be payable for the period the Deputy Chair acts as the Chair. The remuneration of the Deputy Chair when acting as the Chair must be outlined in the Deputy Chair's instrument of appointment.

## 7. Remuneration of single officer appointments

- 7.1. The remuneration bands in these Guidelines do **not** apply to single officer appointments.
- 7.2. Unless otherwise specified in legislation, ministers are responsible for setting remuneration for single officer appointments, subject to Cabinet approval. In determining remuneration levels for single officer roles, the remuneration bands for public service and public entity executives set by the Victorian Independent Remuneration Tribunal are a helpful guide. The remuneration bands can be found on the [Victorian Independent Remuneration Tribunal website](#).
- 7.3. The rationale for the proposed remuneration should be outlined in the Cabinet submission.

## 8. Remuneration – other considerations

### Approving remuneration levels

- 8.1. Unless specified in statute, remuneration is approved by the same decision-maker that approves the appointment (e.g. the minister or Cabinet).
- 8.2. Approval requirements for appointments and remuneration are outlined in [section 9](#).

### Exclusions and exceptions

#### Public sector employees

- 8.3. As per [4.9 to 4.13](#), public sector employees are generally not appointed to Government boards, because of the risk of actual, potential or perceived conflict between their role and duties as public servants and as board members.

#### Public sector employees and executive officers are only eligible for remuneration under certain criteria

- 8.4. If the appointment is an *ex-officio* appointment (i.e. as a requirement of their substantive position), public sector employees are not eligible for remuneration.
- 8.5. Subject to the requirements for the appointment of a public sector employee at [4.9 to 4.13](#)
  - full-time and part-time public sector employees are only eligible for remuneration if the proposed appointment is not *ex-officio*<sup>3</sup>
  - the work required for the board will be undertaken in the employee's own time, or during periods of approved leave, and
  - the public sector employee's substantive employer<sup>4</sup> must confirm in writing that the work involved in the appointment can, and will, be performed in the employee's own time.<sup>5</sup> This confirmation must also be received prior to reappointment if the appointee's role or employer has changed since the initial appointment.
- 8.6. In relation to an executive officer or equivalent, departments must fulfil the requirements at [sections 4.9 to 4.13](#). They must also seek written approval for the proposed remuneration of the public sector executive officer from the Secretary of the relevant portfolio department responsible for the non-departmental entity to which the appointment is being made. This must occur before seeking approval for the appointment itself. If Cabinet consideration is

<sup>3</sup> Public sector employees are subject to the Victorian Public Sector Code of Conduct. Rule 3.8 prohibits public sector employees from engaging in other employment where the activity which conflicts with their role.

<sup>4</sup> Where a public sector employee holds a full-time position, the 'substantive' employer is the employer of the full-time position. Where the public sector employee holds one or more part time positions, the 'substantive' employer is the public sector employer with on-going employment status, or failing that, the public sector employer of the greatest time fraction.

<sup>5</sup> Section 32 of the *Public Administration Act 2004 (Act)* also requires approval for individuals employed under Part 3 of the Act engaging in outside employment.

required, the approval submission should note that such approval has been sought and granted.

- 8.7. If an executive officer or equivalent is considered for reappointment, the department should seek written approval for their remuneration ahead of seeking approval for the reappointment, unless:
- written approval from the Secretary was obtained at the time of the initial appointment, and
  - there has not been a material change to their employment since the time that written approval from the Secretary was obtained (such as a change of position or employer).

### **Victorian Public Sector Voluntary Departure Packages**

- 8.8. Recipients of Victorian Public Sector Voluntary Departure Packages (VDPs) are not eligible for remuneration from any public sector employer for one year from the date of their separation.

### **Appointees are eligible to be reimbursed for reasonable out of pocket expenses**

- 8.9. All appointees, whether remunerated or unremunerated, are eligible to be reimbursed for reasonable out-of-pocket expenses such as travelling, accommodation, meals and other incidental expenses associated with attendance at meetings, overnight absence from home or absence from the normal work location during field duties. Such reimbursement will be in accordance with the policies of the portfolio department.

### **Payments should only be made to the appointee in their personal capacity**

- 8.10. Remuneration and any other payments to appointees are personal and should only be made to the appointee in their personal capacity. Payments to third parties, including trusts or companies associated with the appointee, are prohibited, unless payments are made to a nominating organisation as described in 8.11. Payments may be made to an appointee's personal superannuation account. Payments should not be made on invoices.
- 8.11. A payment to a third party is allowable in circumstances where organisations with nomination rights to bodies nominate an employee to represent them on that body. In this case the employer with nomination rights may be entitled to receive payment to compensate for the time spent by their employee representing the organisation on the body.

### **Annual remuneration adjustment for boards**

- 8.12. The remuneration bands contained in Schedules A – D and committee fees payable to Group A and B annual-fee paying boards may be subject to annual adjustment determined by the government for each financial year. Ministers may review the remuneration (and committee fees, where applicable) paid to boards and committees with a view to passing on the adjustment in full or in part.

8.13. Factors such as ministerial satisfaction, budget and performance may be considered when any review of remuneration is conducted.

8.14. Cabinet approval is not required to pass on this adjustment.

### **Annual remuneration adjustment for single officer roles**

8.15. The remuneration of single officer roles may be subject to annual adjustment determined by the government for each financial year. Ministers may review the remuneration of single officer roles with a view to passing on the adjustment in full or in part.

8.16. Factors such as ministerial satisfaction, budget and performance may be considered when any review of remuneration is conducted.

8.17. Cabinet approval is not required to pass on this adjustment.

### **The remuneration levels in these guidelines do not constitute the Total Cost to the Employer**

8.18. The remuneration levels set out in the Schedules to these Guidelines reflect the remuneration to the recipient and include any non-cash benefits which should be subject to Fringe Benefits Tax (e.g. provision of a motor vehicle). Departments should be aware of the Total Cost to the Employer (TCE) for entities within their portfolio. The remuneration levels set out in the Schedules do not include any applicable superannuation benefit, WorkCover costs or Payroll tax. Departments will need to take these obligations into account when considering the TCE.

### **The remuneration levels in the Schedules to these Guidelines are exclusive of superannuation**

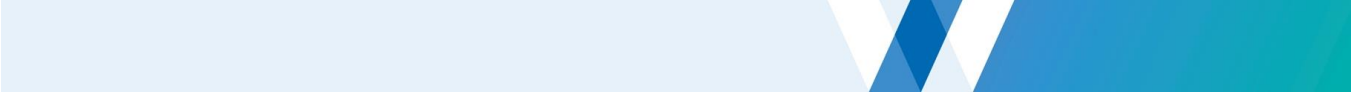
8.19. Under the *Superannuation Guarantee (Administration) Act 1992* (Cth) all employers are required from 1 July 1992 to provide a minimum level of superannuation for all employees who earn more than the minimum per month prescribed by that Act. It is current practice that Government employers will pay only the minimum level of superannuation required under the Act.

8.20. The remuneration levels set out in the Schedules to these Guidelines are exclusive of superannuation.

8.21. The State's superannuation obligations with respect to appointees should be ascertained on a case by case basis, with the assistance of staff from the ATO's Superannuation Information Line.

### **Workcover and Payroll tax costs**

8.22. WorkCover and Payroll tax are the other components which should be included in the TCE, but not in the remuneration package. The WorkCover cost is a variable cost dependent upon the agency's premium rate for any given year. Payroll tax is a determined percentage of salary and is paid by the employer. The department facilitating the appointment will need to ensure WorkCover and Payroll tax obligations are met, and included in the TCE. In most



cases, WorkCover and Payroll tax will not be additional costs to employers as these have been incurred, in some form or another, since positions were established.

### **Provision of a motor vehicle to board members**

- 8.23. Board members who are remunerated on an annual basis may be given access to an agency vehicle for business purposes. Motor vehicles should not be provided to appointees who are paid on a daily basis.
- 8.24. Generally, board members should not be given access to motor vehicles for private use. If the board decides to provide a motor vehicle to a board member then the full cost of the private use component, calculated using an appropriate methodology, must be borne by the board member through a salary sacrifice arrangement. Departments will also need to seek specialist tax advice on a case-by-case basis to understand the tax implications if a motor vehicle is provided for private use.

## 9. Approving an appointment

### Cabinet approval

9.1. Cabinet approval (in addition to minister or Governor-in-Council approval, as relevant) is required for the appointment and remuneration of:

- all appointments to Group A entities
- all appointments to Group B entities
- non-elected Chairs of Group C entities
- all appointments to Group D1 and D2 entities
- all single officer appointments made by the relevant minister or Governor in Council ([see sections 2.2 to 2.4](#)).

In addition, Cabinet approval is also required for:

- proposed appointments of sitting Members of Parliament ([see sections 4.14 to 4.17](#))
- irregular terms and conditions, for example, remuneration above the bands ([see sections 6.14 to 6.16](#))
- elevation of a Member or Deputy Chair of a Group C entity to a position that would usually be considered by Cabinet (for example, the Chair position), where the Deputy is elevated to this position for more than three months, subject to legislative requirements or terms of reference (e.g. if the Act requires the Deputy to be automatically elevated if the position is vacant, Cabinet approval is not required)
- appointments considered to be sensitive or significant (please consult Governance Branch, DPC to determine whether the appointment is sensitive or significant).

### When may an appointment be made without Cabinet approval?

9.2. Subject to legislative requirements and the exceptions outlined in [sections 6.14 to 6.16](#), ministers have discretion to approve the appointment and remuneration of:

9.3. all appointments to Group C entities except non-elected Chairs

9.4. all appointments to Group D3 entities.

### Short-term appointments without Cabinet approval

9.5. Short-term appointments to non-departmental entities for periods of up to three months may be made on the recommendation of the minister without the prior approval of Cabinet.

9.6. This exemption from Cabinet consideration for short-term appointments is for exceptional circumstances and can only be used once. Any subsequent short-term or permanent appointments to the same role will require Cabinet approval.

- 9.7. Efforts should be made to permanently fill a vacancy while a short-term appointment is in place.

## Statutory appointments may also need to be made by the Governor-in-Council

- 9.8. Some statutory appointments are made by the Governor-in-Council, as outlined in the relevant legislation. All Governor-in-Council orders of appointment follow a similar format. The Clerk, Executive Council, can provide up to date templates.
- 9.9. For more information on the Executive Council and making Orders in Council, please contact the Clerk of the Executive Council at [executivecouncil@dpc.vic.gov.au](mailto:executivecouncil@dpc.vic.gov.au).
- 9.10. If an appointment was approved by Cabinet and then made by Governor-in-Council, then any changes to the schedule (including remuneration) must also be approved by Cabinet and made by Governor-in-Council.



## 10. Finalising an appointment

### Advising appointees of their legal responsibilities

- 10.1. Depending on the nature of the role, appointees may be taking on various legal responsibilities.
- All appointees to 'boards of management'<sup>6</sup> are subject to common law obligations and duties as Directors. Depending on the entity, they may also be subject to specific statutory duties and obligations, including obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).
  - If the non-departmental entity is incorporated under the *Corporations Act 2001* (Cth) or is established under the *State Owned Enterprises Act 1992* (Vic), appointees may have specific legal obligations as company directors.
  - Appointees to single officer roles may have legal responsibilities specific to the role to which they are appointed.
- 10.2. The Government and its representatives should not provide legal advice to potential appointees of their personal liabilities and responsibilities, which are often complex. Departments and entities should instead advise potential appointees to seek independent legal advice. Costs for this advice should be borne by the appointee. Potential board appointees can also seek specialist information and advice from other sources, such as the Australian Institute of Company Directors.
- 10.3. In relation to personal financial interests, departments and entities should advise potential appointees to seek independent financial advice.

### Inducting board appointees

- 10.4. Induction procedures should be in place to enable new board members to participate fully and actively in board decision-making at the earliest opportunity. Join a Public Board has issued a [checklist](#) to assist with board induction.
- 10.5. At a minimum, all board members should be provided with:
- [Integrity guidance](#) for board directors
  - a code of conduct – the Join a Public Board's [Code of Conduct for Directors of Victorian Public Entities](#) and any other material endorsed by the board and specific to the non-departmental entity
  - conflict of interest policy and guidance - either material endorsed by the board and specific to the non-departmental entity, or Join a Public Board's [Conflicts of Interest and Duty as a Board Director](#) guidance.

<sup>6</sup> 'Boards of management' are responsible for strategy and direction. Boards of management include the boards Statutory Authorities, State Owned Enterprises and Government Business Enterprise and trusts.

- relevant establishing legislation, Order-in-Council instruments or constituting terms of reference
- all policies adopted by, or relevant to, the non-departmental entity or the board of the non-departmental entity
- an accurate overview of the current financial, strategic and operational position of the non-departmental entity
- a description of the respective roles of, and the relationships between, the entity, the relevant department and the responsible minister
- if applicable, an understanding of the roles and responsibilities of senior executives.

## Planning and reporting to support good governance

10.6. Government relies on accurate and comprehensive data to monitor progress towards meeting its policy objectives. Departments also need accurate data to help with identifying upcoming vacancies. Under [\*Administrative Guideline no. 2018/01 Ensuring Good Governance and Transparency Through Integrity of Data on Victorian Government Appointments and Public Entities\*](#) departments are required to:

- ensure the Government Appointment and Public Entities Database (GAPED) is comprehensive and accurate
- update GAPED within one month of any significant change to an entity within their portfolio (including an appointment commencing or ending, a change to the terms of an appointment or any other change that results in the data being inaccurate or misleading).

10.7. To assist with maintaining accurate GAPED data, the appointing entity is required to:

- maintain a schedule of expiry dates for statutory appointments to identify forthcoming vacancies within their portfolios
- plan for board appointments, by briefing the minister on forthcoming vacancies, establishing recruitment processes, preparing selection criteria and position descriptions.

## 11. Privacy and data protection

- 11.1. Departments must treat all personal information provided by an individual in support of an appointment application in accordance with the *Privacy and Data Protection Act 2014* (Vic) (the Act).
- 11.2. The Act outlines how personal information must be collected and handled in the Victorian public sector. The Act sets out Information Privacy Principles (IPPs) which must be observed by Victorian Government departments and other public sector bodies when handling personal information. These principles cover the collection, use, disclosure, quality, security, access and correction of personal information by public sector bodies.
- 11.3. Personal information can only be used and disclosed for the primary purpose it was collected and for any related secondary purposes. Departments must notify applicants about the use of personal information at the time the information is collected. Personal information can also be used and disclosed for other secondary purposes if consent is obtained.
- 11.4. In the context of appointments to boards of non-departmental entities, any reporting board data to be provided to DPC, the Victorian Public Sector Commission and Cabinet and the sharing of applicant information between departments is unlikely to fall within the primary purpose for which the personal information was collected. To ensure compliance with the Act, departments must obtain individuals' consent to disclose personal information for these reporting and sharing purposes by DPC, the Victorian Public Sector Commission and Cabinet.
- 11.5. A template collection and consent form and a template notice advising candidates how the department will deal with the personal information collected are in the [Personal Information and Privacy Consent Form](#).
- 11.6. Departments should also advise applicants and interested persons that they are responsible for making third parties aware that any information they have provided about that third party, e.g. information regarding referees in an interested person's *Curriculum Vitae*, may be passed on to other Victorian Government departments.
- 11.7. The collection of personal information is also subject to the right of privacy under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

## 12. Resources

The following resources provide useful supplementary information to assist departments to undertake the appointment process for non-departmental entities.

[Best Practice Recruitment and Selection Toolkit](#)

[Cabinet Handbook](#)

[Conflict of Interest and Duty Guidance for Directors](#)

[Director's Code of Conduct](#)

[Diversity on Victorian Government Board Guidelines](#)

[Integrity Guidance for Board Directors](#)

[Join a Public Board](#)

[Recruitment and Appointment to the Board: Overview of Ministerial, Departmental Secretary and Board Chair Responsibility](#)

[Governance Toolkit for Recruitment and Appointment to the Board](#)

[Victorian Gender Equality Strategy](#)

[Board Director Induction: A guide and checklist on minimum requirements for inducting new board directors](#)

[Assessing Public Board Performance: A guide to help your board assess its performance and that of chairs and directors](#)

## Schedule A: Group A organisations

Effective 1 July 2023

Note: Remuneration levels are exclusive of any superannuation obligations.

Band	Classification criteria	Chair	Member
A1	<p><b>State Owned Enterprises (SOE)</b> incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of over \$1 billion or assets over \$1 billion or profit over \$100 million.</p> <p><b>Statutory Authorities</b> determined by the Premier and Cabinet to warrant inclusion in this group.</p> <p><b>OR - if the business is a new business or facing particular challenges that warrant special consideration.</b></p>	\$80,313 to \$150,656	\$40,158 to \$66,005
A2	<p><b>GBEs</b> incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of between \$500 million and \$1 billion or assets between \$500 million and \$1 billion or profit between \$50-100 million, or any combination of these factors,</p> <p>AND</p> <p><b>Statutory Authorities</b> with a turnover of over \$1 billion or assets over \$1 billion or operating surplus over \$100 million or any combination of these factors.</p>	\$60,235 to \$113,000	\$26,772 to \$56,510
A3	<p><b>GBEs</b> incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of between \$50 million and \$500 million or assets between \$50 million and \$500 million or profit between \$5-50 million or any combination of these factors,</p> <p>AND</p> <p><b>Statutory Authorities</b> with a turnover of between \$500 million and \$1 billion or assets between \$500 million and \$1 billion or an operating surplus between \$50 million and \$100 million or any combination of these factors.</p>	\$40,158 to \$84,747	\$21,416 to \$39,605

Band	Classification criteria	Chair	Member
A4	<p><b>GBEs</b> incorporated under the <i>Corporations Act 2001</i> or corporatised businesses with a turnover of below \$50 million or assets below \$50 million or profit below \$5 million or any combination of these factors,</p> <p>AND</p> <p><b>Statutory Authorities</b> with a turnover of between \$50 million and \$500 million or assets between \$50 million and \$500 million or an operating surplus between \$5 million and \$50 million or any combination of these factors.</p>	\$20,079 to \$56,510	\$12,047 to \$22,626
A5	<b>Statutory Authorities</b> with a turnover of below \$50 million or assets below \$50 million or profit below \$5 million.	\$13,385 to \$28,349	\$8,031 to \$15,143
Notes			
There is no separate allowance or fee for a Deputy Chair.			
There are no daily sitting fees for those organisations covered by Schedule A, but travel and other appropriate personal expenses will be reimbursed on the basis of actual costs incurred.			
Upon ministerial approval, up to \$6,167 per annum may be paid to directors who receive annual fees for additional committee work undertaken in recognition of the extra commitment required.			

## Schedule B: Group B organisations

Effective 1 July 2023

Note: Remuneration levels are exclusive of any superannuation obligations

### Annual fee paying boards - significant industry and other key advisory boards

Band	Classification criteria	Chair	Member	Daily fee paying boards - advisory boards, significant
B1	Significant industry advisory bodies and other bodies advising Government on key strategic matters.	\$20,079 to \$56,510	\$12,047 to \$22,626	
B2	Other industry boards and bodies advising Government on matters of State-wide significance.	\$13,385 to \$28,349	\$8,031 to \$15,143	
Notes				
Upon ministerial approval, up to \$6,167 per annum may be paid to directors who receive annual fees for additional committee work undertaken in recognition of the extra commitment required.				

### Significant boards of management, Quasi-judicial tribunals

Band	Classification criteria	Chair	Member
B1	<p>(a) Quasi-judicial bodies/tribunals that sit and determine matters of significant financial and personal importance to individuals or small groups of people and where there is no other framework governing remuneration and appointments.</p> <p>(b) Chair/Member of Government bodies undertaking significant statutory functions, providing specialist advice to a minister and developing policies, strategies and Guidelines in a broad and important area of operations. Appointees will have extensive knowledge and expertise in the relevant field.</p> <p>(c) Management boards of medium size organisations undertaking one or more functions or providing a strategically important service. Members would have substantial management/business/professional expertise relevant to the field of operations. The operations of the organisation would normally warrant a General Manager at Senior Executive Service-1 (high) or Band 2 (low).</p>	\$428 to \$698 (per day)	\$328 to \$604 (per day)
Notes			
There is no separate allowance or fee for a Deputy Chair.			
Daily rates are set for the maximum payable for official duties on a given day.			

## Schedule C: Group C organisations

Effective 1 July 2023

Note: Remuneration levels are exclusive of any superannuation obligations.

### Advisory Committees, Registration boards and Management boards of small organisations

Band	Classification criteria	Chair (Fee per day)	Member (Fee per day)
C1	<p>(a) Scientific, technical and legal advisory bodies requiring members to be “experts in their field” and provide the highest level of advice available. Such bodies would be commissioned by and report directly to Government in response to proposals/issues considered important to the general community.</p> <p>(b) Disciplinary boards or boards of appeal for individuals (professional or non-professional) where the members of the board(s) are not required to be legally qualified or do not require the assistance of legal counsel.</p> <p>(c) Management boards of small size organisations undertaking a specific function or providing a discrete service. Members would have substantial management/business/professional expertise relevant to the field of operations. The operations of the organisation would normally warrant a General Manager in the low to middle levels of Executive Officer Band 3.</p>	\$328 to \$604	\$254 to \$461
C2	<p>a) Qualifications, regulatory or licensing bodies for recognised professional groups. Such bodies would be responsible for establishing appropriate codes of practice and operating standards, administering relevant legislation and maintaining a register of licensed practitioners.</p> <p>(b) Bodies established by legislation or at the direction of a minister (or Government) to investigate/monitor and advise/report to Government on issues considered to be of importance within the portfolio or where there is a high degree of concern within certain sections of the community.</p> <p>(c) Qualifications, regulatory or licensing bodies in relation to technical, trade or non-professional groups.</p>	\$202 to \$461	\$174 to \$359
C3	<p>(a) Advisory committees required to consider issues/matters that are local or affect confined areas including local land and water advisory committees.</p> <p>(b) Trade and para-professional registration and licensing committees where legislation defines qualifications and regulates operating requirements of practising individuals.</p>	Up to \$284	Up to \$244
Notes			
There is no separate allowance or fee for a Deputy Chair.			
Daily rates are set for the maximum payable for official duties on a given day.			



## Schedule D: Group D organisations

Effective 1 July 2023

Remuneration levels for Group D entities are not specified in these Guidelines due to the higher degree of flexibility required. Ministers should determine the level of remuneration for Group D entities on a case-by-case basis, also giving recognition to the intensity of the workload and the expertise required.

Note: Remuneration levels are exclusive of superannuation obligations.

Level	Classification criteria	Chair and member fee
D1	The most important Government inquiries established under the <i>Inquiries Act 2014</i> (Vic) requiring urgent consideration of issues arising from serious/contentious situations that may affect a large section of the community. Such bodies would be required to submit a comprehensive report including feasible options to Government within stringent time lines.	Minister to determine and recommend to Cabinet for approval either an annual fee (pro rata) or a daily fee for appointments to D1 and D2 entities. For D3 entities, Cabinet approval is not required.  Because of the tight timeframes and intense “hands on” workload associated with Group D organisations, and the consequent need for flexibility so as to recruit appropriate individuals, ministers are to determine remuneration on a case-by-case basis with reference to the intensity of the workload and expertise required. Ministers have the option of offering an annual payment on a pro rata basis or a daily fee.
D2	Important Government inquiries established under the <i>Inquiries Act 2014</i> (Vic) requiring consideration of issues that may affect the community. Such bodies would be required to submit a comprehensive report including feasible options to Government within agreed time lines.	
D3	Ad hoc expert panels established for limited time periods to undertake a specific (often technical) task.	
Notes		
There is no separate allowance or fee for a Deputy Chair.		
Daily rates are set for the maximum payable for official duties on a given day.		

## Appendix A – Template Forms

### Declaration of Private Interests Form

This form asks appointees to disclose certain personal information, identifies how the department will treat the personal information, and explains the purpose for its collection.

Departments may prepare and use their own forms, noting that they should address the same topics in the DPC template consent form. The form allows departments to measure compliance with the Diversity on Boards Guidelines, as set out at [section 3.7](#).

The DPC Personal Information and Privacy Consent Form is available [here](#).

### Personal Information and Privacy Consent Form

This form asks appointees to disclose their private interests and to make an assessment about whether these conflict with their duties as an appointee.

Departments may prepare and use their own DOPI templates, noting that they should address the same topics as the DPC template DOPI.

The DOPI requirements are set out at [section 5.12](#). Further conflicts of interest and duty guidance is available on the [Victorian Public Sector Commission website](#).

The DPC Declaration of Private Interests form is available [here](#).

## Appendix B – Checklist

Section 2: Scope	Page No.	
Do the Appointment and Remuneration Guidelines apply?	8	<input type="checkbox"/>
<b>Sections 3 – 4: Recruitment and selection</b>		
Was the recruitment process open and competitive? If not, explain why an alternative method was chosen in the Cabinet submission.	10	<input type="checkbox"/>
Are there legislated skills requirements and if so, have they been met?	10	<input type="checkbox"/>
Has the board composition, skills and diversity matrix been considered?	10	<input type="checkbox"/>
Is the gender composition of the board and the portfolio (including Chairs of paid boards) included in the Cabinet submission or Ministerial brief?	11	<input type="checkbox"/>
Were the following consulted when planning the recruitment and selection process: <ul style="list-style-type: none"> <li>Diversity on Boards: diversityonboards@dffh.vic.gov.au</li> <li>First Peoples – State Relations: Secretariat.AA@dpc.vic.gov.au</li> <li>Regional Development Victoria: rdv@rdv.vic.gov.au</li> </ul>	11	<input type="checkbox"/>
Was the appointment vacancy advertised on Join a Public Board?	13	<input type="checkbox"/>
Is the candidate on two or more Victorian Government boards? If so, consider why other candidates are not available, conflicts of interest and ability to meet attendance requirements (75% of meetings).	16	<input type="checkbox"/>
Is the candidate in a 'single officer role'? (e.g. the appointment is the primary employment of the appointee and they are expected to work a set number of days)	17	<input type="checkbox"/>
Is the candidate a Member of Parliament? If so, consider potential conflicts of interest and whether legal advice is required.	18	<input type="checkbox"/>
Does the candidate reside in Victoria? If not, provide context (e.g. particularly rare skills or independence required).	19	<input type="checkbox"/>
<b>Section 3: Reappointments</b>		
Has the candidate previously served on the board? If so, has a performance review been conducted?	13	<input type="checkbox"/>
Has the rationale for reappointing the candidate been explained in the Cabinet submission or Ministerial brief?	13	<input type="checkbox"/>
Will the reappointment result in the total term exceeding 10 years? If so, explain why other suitable candidates are not available.	16	<input type="checkbox"/>
Can the candidate commit to their obligations (including attending a minimum of 75% of meetings)?	16	<input type="checkbox"/>
<b>Section 5: Probity and conflicts of interest</b>		
Has a check of the Register of Lobbyists been completed?	19	<input type="checkbox"/>
Has a National Police Record Check been completed?	21	<input type="checkbox"/>
Has an Australian Financial Security Authority, National Personal Insolvency Index check been completed?	21	<input type="checkbox"/>
Has a check of the Australian Securities and Investment Commission Register of Persons Banned and Disqualified been completed?	21	<input type="checkbox"/>
Have other background checks been completed (e.g. web search, LinkedIn, social media)?	21	<input type="checkbox"/>
Has a Declaration of Private Interests been completed to the satisfaction of the Minister?	22	<input type="checkbox"/>
Is there a real or perceived conflict of interest between the candidate's private interests and this appointment?	22	<input type="checkbox"/>
<b>Sections 6 – 8: Remuneration</b>		
If the appointment is to a governance board, is remuneration proposed?	26	<input type="checkbox"/>
Is the remuneration in accordance with the relevant classification for the board?	25	<input type="checkbox"/>
If the appointee is being paid a daily rate, provide context in the Ministerial brief or Cabinet submission (e.g. number of meetings per year).	26	<input type="checkbox"/>
Is the candidate a public sector employee? If yes, can they be remunerated?	29	<input type="checkbox"/>
Has the candidate accepted a Victorian public sector Voluntary Departure Package in the last three years?	30	<input type="checkbox"/>
<b>Section 9: Approval process</b>		
Is the board created under legislation? Do appointments need to be approved by Cabinet and/or made by the Governor-in-Council?	33	<input type="checkbox"/>
Is the instrument of appointment and resume for the appointee(s) included in the Cabinet submission?	33	<input type="checkbox"/>
Is the submission being brought to Cabinet within three months of the appointment term commencing?	10	<input type="checkbox"/>

## 8.4.2 Audit and Risk Committee - Charter Review

Directorate	Corporate
Responsible Officer:	Director Corporate
Manager	Chief Executive Officer
Attachments	1. Campaspe Audit Risk Committee Charter Proposed [8.4.2.1 - 13 pages]

### 1. PURPOSE

This report seeks Council approval of the Audit and Risk Committee Charter.

### RECOMMENDATION

**That Council, upon recommendation of the Audit and Risk Committee, approve the Audit and Risk Committee Charter.**

### 3. DISCUSSION

Under Section 53(1) of the Local Government Act 2020 (the Act) Council must establish an Audit and Risk Committee, and under Section 54(1) of the Act, the Council must prepare and approve an Audit and Risk Committee Charter as the governing document for the Committee.

Council last reviewed the Audit and Risk Committee Charter on 21 March 2023, but during that review asked that further work be undertaken on the Charter.

The Charter has been reviewed by comparing it to the Charters of several Councils, and by incorporating feedback from the Councillors.

Officers brought a version of this report to Council Briefing on 29 August and it was also included in the agenda pack, and due to be discussed by the Audit and Risk Committee at its September meeting, however it was held over to the October Audit and Risk meeting due to time constraints. The report has now been presented to the Audit and Risk Committee at its October meeting with the Committee endorsing the Charter and recommending that Council approve it with two proposed alterations to remove the following items for consideration:

Item 5.17 – Review the insurance program annually prior to renewal.

Item 5.42 – Review processes for communicating Council's Employee Code of Conduct to employees and contractors for monitoring compliance with the Code.

Officers have removed (struck out) these items from the Draft Charter attached to this report.

In addition to this:

- In anticipation of changes to the current remuneration structure for Audit and Risk Committee members, the Charter has been amended to reflect the officer proposal which is subject of a separate report being considered at the Council meeting of 21 November 2023.

This has resulted in changes that are incorporated in the Charter as:

- Blue bold for new text
- Orange bold for text that has been changed within the order of the Charter.
- Other than the above two items, no items have been removed from the previous Charter.

The proposed Charter has been provided as an Attachment to this report.

#### **4. CONSULTATION**

##### Internal consultation:

- 16 August 2023 Executive Management Group

##### External consultation:

- 8 September 2023 Audit & Risk Committee Meeting.
- 26 October Audit & Risk Committee Meeting.

##### Councillors:

- 29 August 2023 Council Briefing Session.
- 14 November 2023 Council Briefing Session.

#### **5. POLICY AND LEGISLATIVE IMPLICATIONS**

Section 54(2) of the Act outlines responsibilities and functions to be included in the Charter.

#### **6. FINANCIAL AND ECONOMIC IMPLICATIONS**

The Charter outlines the purpose, authority and responsibilities of the Audit and Risk Committee along with guidance on the membership and tenure of the Committee and the conduct of meetings.

The purpose of the Committee is to provide independent oversight and monitoring of Council's approach to financial and performance reporting, the internal control environment, risk management, fraud prevention systems and controls, internal audit, external audit and compliance management.

#### **7. ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of *Local Government Act 2020* have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

#### **8. SOCIAL IMPLICATIONS**

The Audit and Risk Committee includes suitably qualified community members to provide independent oversight for Council. The oversight includes fraud prevention and Council's internal control environment that covers areas such as privacy and data protection controls (including Information Technology and cyber security) which relate directly to how well Council manages and protects customer information.

## **9. RELEVANCE TO COUNCIL PLAN 2021-2025**

Nil

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

#### **Issue 1:**

The existing Charter was approved on 21 March 2023, however, Council asked that further work be undertaken on the Charter.

### **Risk:**

The Audit and Risk Committee has oversight and monitoring of all Council risks.

## **11. CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, the officer preparing this report declares no conflict of interest regarding this matter.

## **12. 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*.

## **13. 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.

## **14. CONCLUSION**

A review of the Audit and Risk Committee Charter has been completed and is presented in this report for Council's consideration and adoption.

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**Campaspe Shire Council  
Audit and Risk Committee  
Charter**

**Adopted: [date to be inserted]**

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## Campaspe Shire Council – Audit and Risk Committee Charter

### Contents

1. Purpose
2. Authority
3. Membership and Tenure
4. Meetings
5. Responsibilities
  - Financial and Performance Reporting
  - Internal Control Environment
  - Risk Management
  - Fraud Prevention Systems and Control
  - Internal Audit
  - External Audit
  - Compliance Management
6. Reporting to Council
7. Performance Evaluation
8. Committee Member Regulatory Obligations
9. Review of Charter

### Appendices

- A. Committee Member Regulatory Obligations – Guidance to Members
- B. Terms of Appointment



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## Campaspe Shire Council – Audit and Risk Committee Charter

### 1. Purpose

The Campaspe Shire Council has established an Audit and Risk Committee (the Committee) pursuant to Section 53 of the *Local Government Act 2020* (the Act) to:

- support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit; and
- Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

The Committee acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter.

This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee, as outlined in this Charter, enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case, and in so doing, bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities.

### 2. Authority

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority will be temporary and may only relate to specific matters as directed by Council.

The Committee has the authority to:

- Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;
- Approve internal audit plans including internal audit plans with an outlook of greater than one year, and provide feedback on external audit plans;
- Provide advice and make recommendations to Council on matters within its areas of responsibility;
- Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer **or via Council resolution;**
- Seek any relevant information it requires from Council, Chief Executive Officer and external parties;
- Meet with Council officers as required to discharge its responsibilities, subject to prior agreement with the Chief Executive Officer.
- **Meet with internal or external auditors and other parties as required to discharge its responsibilities, subject to prior agreement with the Chief Executive Officer or via resolution of Council.**

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## Campaspe Shire Council – Audit and Risk Committee Charter

- **Undertake any other matter referred to the committee by Council resolution.**

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

### 3. Membership and Tenure

The Committee will consist of five members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee. Council may appoint an independent affiliate member.

Details of membership and tenure are set out below:

#### Independent Members

- 3.1 Will be appointed for four year terms;
- 3.2 May be reappointed for one additional four-year term subject to satisfactory performance, that is, a maximum of eight consecutive years;
- 3.3 Must collectively have expertise in financial management and reporting and risk management and also experience in public sector management;
- 3.4 Terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership;
- 3.5 Have full voting rights when they are in attendance in person or virtually;**
- 3.6 Receive remuneration for their work in preparing for and attending meetings as approved by Council. The remuneration will be set as follows:
  - 3.6.1 Remuneration will be paid to independent members and the Chairperson based on a fee per meeting attended, with a higher amount being paid to the Chairperson in recognition of their additional involvement in the leadership of the Committee.**
  - 3.6.2 Amounts shall be payable in accordance with the Victorian Government Board Appointment and Remuneration Guidelines – Group B Organisation. The applicable amount payable will be based on the maximum amount in accordance with Band 1 as follows:**
    - 3.6.2.1 Independent members shall receive 1 x the maximum amount per meeting.**
    - 3.6.2.2 The Chairperson shall receive 1.25 x the maximum amount per meeting.**
  - 3.6.3 Remuneration payments will be made no later than 30 days after each Audit and Risk Committee meeting.**
  - 3.6.4 Annual increase shall be in accordance with revised amounts published annually in July. The guidelines at the date of publication of this Charter are available at: <https://www.vic.gov.au/guidelines-appointment-remuneration>.**

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## Campaspe Shire Council – Audit and Risk Committee Charter

- 3.6.5 Where current remuneration is higher than the Victorian Government Board Appointment and Remuneration Guidelines, the remuneration will remain fixed until such time as an increase is required.**
- 3.7 Will be entitled to receive a travel allowance as determined by Council for each Audit and Risk Committee meeting that they attend in person.**
- 3.8 Absent for two consecutive meetings, without submitting an apology or been granted a leave of absence, will create a casual vacancy.
- 3.9 Cannot be employees of Campaspe Shire Council (Section 53(3)(c) of the Act), or former employees who have left Campaspe Shire Council within the past two years.**

Independent Affiliate Member

- 3.10 Will be appointed for a single two year term;
- 3.11 May be appointed to an Independent Member role for two additional four-year terms subject to satisfactory performance, that is, a maximum of ten consecutive years;
- 3.12 Must have expertise in either financial management and reporting or risk management or experience in public sector management, demonstrate an interest in the committee and live and work within the municipality of Campaspe Shire Council;
- 3.13 Does not have voting rights, however, will be entitled to receive all information, attend all meetings and participate in the deliberations of the Committee.
- 3.14 Will not be entitled to receive any remuneration while an Independent Affiliate Member.**
- 3.15 Absent for two consecutive meetings, without submitting an apology or been granted a leave of absence, will create a casual vacancy.

Councillor Members

- 3.16 Councillor members will be appointed to the Committee by Council annually;
- 3.17 Councillors who are not appointed as members of the Committee, may attend any meeting of the Committee as an observer. For clarity, only Councillors appointed by Council to the Committee have voting rights.

Chairperson

- 3.18 The Chairperson of the Committee must be an independent member (Section 53(4) of the Act);**
- 3.19 The Committee will appoint the Chairperson of the Committee on an annual basis;
- 3.20 If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending independent members. An independent member who is appointed Chairperson for a full meeting will receive remuneration for that meeting as if they were the Chairperson. Where an independent member is appointed Chairperson for only part of a meeting, they shall receive remuneration as an Independent Member;**
- 3.21 The Chairperson must not exceed any two-year continuous period without Council resolution;

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## Campaspe Shire Council – Audit and Risk Committee Charter

3.22 In the event of a tied vote, the presiding Chairperson will hold a casting vote.

### Role of the Chairperson

The Chairperson of the Committee will:

- In consultation with the Chief Executive Officer (or delegate), set the matters to be included on the agenda for each Committee Meeting;
- Chair all meetings of the Committee;
- Be responsible for ensuring that meetings are conducted in an appropriate manner.
- Participate in the appointment of Council's internal audit service provider;
- Provide clearance for Committee Meeting Minutes to be provided to the Council.
- Lead the annual evaluation of the Committee's performance and report on the outcomes to the Council through the Chief Executive Officer.

### Induction

3.23 All Committee members will receive an induction to the purpose and responsibilities of the Committee and on Campaspe Shire Council's objectives.

### Removal of a Member

3.24 If Council proposes to remove a member of the Committee prior to the conclusion of their term, it must give written notice of its intention to do so and afford the member an opportunity to respond and be heard at a Council meeting if the affected member so chooses. The Council meeting to hear the response will be open to the public.

### Recruitment

- 3.25 At the completion of each term of an independent member or independent affiliate member, the position will be made vacant. An outgoing independent member or independent affiliate member will be eligible to re-nominate for the position, subject to the maximum allowable term.
- 3.26 If a casual vacancy exists, the vacancy will be filled as if the appointment term of the vacating member had been fulfilled.
- 3.27 All vacancies of independent members and the independent affiliate member will be advertised sufficiently to attract the required skills but as a minimum within the Shire of Campaspe.
- 3.28 A selection panel, comprising one independent member and one Councillor member of the Committee and the Chief Executive Officer, will conduct a selection process to identify candidates suitable to recommend to Council for appointment.
- 3.29 The criteria for the appointment of independent members will be experience and qualifications to meet the collective skills mix of the Committee.
- 3.30 The criteria for the appointment of an independent affiliate member will be the same relevant skills, qualifications and experience as independent members, but must reside or work within the Shire of Campaspe.
- 3.31 If there are more applications than positions vacant, the selection panel should consider and give weight to the following points when recommending appointments to Council;

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## Campaspe Shire Council – Audit and Risk Committee Charter

- a. Individuals who have already served on the Committee and not reached the maximum term, who have demonstrated a valuable and consistent contribution to the Committee;
  - b. Individuals who demonstrate skills, qualifications and experience in more than 2 of the identified fields of expertise; and
  - c. Individuals who live and/or work within the Shire of Campaspe.
- 3.32 The selection panel, when recommending a preferred applicant for appointment to the Committee will also have regard to the skill mix of the currently appointed independent members and when possible, ensure at least one independent member has a sound knowledge and understanding of the local government sector and its roles and responsibilities.

### Insurance

- 3.33 Members of the committee are covered by Council's insurance policies.

## 4. Meetings

**Unless there are exceptional circumstances, such as a natural disaster that may prohibit a meeting from occurring,** the Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require:

- 4.1 A schedule of meetings will be developed annually and agreed by members;
- 4.2 All Committee members are expected to attend each meeting in person, although in special circumstances members can attend through electronic means;
- 4.3 A quorum will comprise at least one Councillor member and two independent members;**
- 4.4 The Committee will invite members of Council's management team, the internal and external auditors and other personnel as appropriate to attend meetings. The Chief Executive Officer, the Director Corporate and Manager Finance will attend all meetings.
- 4.5 The Committee may ask staff members, other than the Chief Executive Officer to leave the meeting to discuss a confidential item. If the Committee wishes to discuss a confidential item without the Chief Executive Officer, the Committee must resolve to close the meeting to all Council employees.
- 4.6 Committee members and the internal and external auditors can request the Chairperson to convene additional meetings if they feel that is justified to address unexpected matters that may have arisen;
- 4.7 Meeting agendas and appropriate briefing materials will be provided prior to distribution to the Chairperson for approval 1.5 weeks prior to the scheduled meeting and final agenda and attachments will be provided to members at least one week before each meeting;
- 4.8 Minutes will be prepared for all meetings, provided to the Chairperson for review and approval and then distributed to all members and Councillors;
- 4.9 A report on the status of actions generated during the meetings will be presented to each Committee Meeting.**

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## Campaspe Shire Council – Audit and Risk Committee Charter

- 4.10 If a matter is required to be dealt with by the Committee between meetings, it may be undertaken by a circulating motion. The report outlining the matter and a request to vote on the item will be sent via email. The outcome of this matter will be recorded in the minutes of the next meeting held by the Committee.

### 5. Responsibilities

**The Committee's responsibilities are documented in the Audit and Risk Committee Annual Work Plan. This plan includes the frequency and timing of reports to the Committee.**

The Committee will carry out the following responsibilities:

#### Financial and Performance Reporting

- 5.1 At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- 5.2 At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
- 5.3 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position;
- 5.4 Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;
- 5.5 Recommend the adoption of the annual financial report and annual performance statement to Council; and
- 5.6 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.
- 5.7 Review all reimbursements provided to Councillors **(in accordance with Section 40(2) of the Act)** or members of any delegated committees to ensure that they are paid in accordance with existing policies and legislation.

#### Internal Control Environment

- 5.8 Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment. This should be done on a rotational basis over a four year period and in accordance with approved review dates;
- 5.9 Determine whether systems and controls are reviewed regularly and updated where required;
- 5.10 Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile;
- 5.11 Ensure that a programme is in place to test compliance with systems and controls;

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## Campaspe Shire Council – Audit and Risk Committee Charter

- 5.12 Assess whether the control environment is consistent with the Governance Principles defined within the *Local Government Act 2020*.

### Risk Management

- 5.12 Review annually the effectiveness of Council's risk management framework;
- 5.13 Review Council's risk appetite statement and the degree of alignment with Council's risk profile;
- 5.14 Review Council's risk profile and the changes occurring in the profile from meeting to meeting;
- 5.15 Review and endorse Council's strategic risks to Council's operations, including their likelihood and consequence of occurring and risk mitigation strategies;**
- 5.16 Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans;
- ~~5.17 Review the insurance programme annually prior to renewal; and~~
- 5.18 Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.
- 5.19 Review Council's cyber security environment to ensure risks are being managed effectively.**

### Fraud Prevention Systems and Controls

- 5.20 Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programmes at least every two years;
- 5.21 Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
- 5.22 Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

### Internal Audit

- 5.23 Review the Internal Audit Charter regularly to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations;
- 5.24 Review and approve the three year strategic internal audit plan, the annual internal audit plan and any significant changes to them;
- 5.25 Review progress on delivery of the annual internal audit plan;
- 5.26 Review and approve proposed scopes for each review in the annual internal audit plan;
- 5.27 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;
- 5.28 Meet with the leader of the internal audit function at least annually in the absence of management;
- 5.29 Monitor action by management on internal audit findings and recommendations;

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## Campaspe Shire Council – Audit and Risk Committee Charter

- 5.30 Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work;
- 5.31 Recommend to Council the appointment of an internal audit service provider, noting a decision to re-appoint the current internal audit provider or recruit a new internal audit provider will be determined by the term of engagement and performance of the current internal audit provider.**
- 5.32 Recommend to Council, if necessary, the termination of the internal audit contractor.

### External Audit

- 5.33 Annually review and provide feedback on the external audit scope and plan proposed by the external auditor for their consideration;
- 5.34 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;
- 5.35 Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner;
- 5.36 Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views through Council;
- 5.37 Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them; and
- 5.38 Meet with the external auditor at least annually in the absence of management.

### Compliance Management

- 5.39 Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance;
- 5.40 Obtain briefings on any significant compliance matters; and
- 5.41 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.
- ~~5.42 Review processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code.~~
- 5.43 Review the Gifts, Benefits and Hospitality Register.**

### **6. Reporting to Council**

- 6.1 Minutes of Committee meetings will be provided to Councillors at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting;
- 6.2 The Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating

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## Campaspe Shire Council – Audit and Risk Committee Charter

how the Committee has discharged its responsibilities as set out in this Charter for the previous year.

### 7. Performance Evaluation

The Committee must undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

### 8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131).

Details about these obligations are included in **Appendix A** to this Charter.

### 9. Conduct of Members

**Members of the Committee are expected to understand and observe the requirements of the governing legislation. Members are also expected to:**

- **Contribute the time needed to review and understand the papers provided.**
- **Apply good analytical skills, objectivity and judgement.**
- **Express opinions, frankly ask questions that go to the fundamental core of the issue, and pursue further follow up where appropriate.**
- **At all times treat other members and attendees of the Committee with the appropriate level of respect and professional courtesy.**

### 10. Review of Charter

The Committee will review and assess the adequacy of the Charter every two years or earlier if necessary and submit requests to Council through the Chief Executive Officer for revisions and improvements for approval.

**Mayor:** ..... **Date:** .....  
**Cr Rob Amos**

**Chair:** ..... **Date:** .....  
**Linda MacRae**

**Chief Executive Officer:** ..... **Date:** .....  
**Pauline Gordon**

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## Campaspe Shire Council – Audit and Risk Committee Charter

## Appendix A

## Committee Member Regulatory Obligations

## Guidance to Members

LGA Section	LGA Requirement
<b>Misuse of Position</b>	
123(1)	A Committee member must not intentionally misuse their position to: <ul style="list-style-type: none"> <li>a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or</li> <li>b) Cause, or attempt to cause, detriment to the Council or another person</li> </ul>
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ul style="list-style-type: none"> <li>a) Making improper use of information acquired as a result of being a member of the Committee; or</li> <li>b) Disclosing information that is confidential information; or</li> <li>c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or</li> <li>d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or</li> <li>e) Using public funds or resources in a manner that is improper or unauthorised; or</li> <li>f) Participating in a decision on a matter in which the member has a conflict of interest.</li> </ul>
<b>Confidential Information</b>	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
<b>Conflicts of Interest</b>	
126	A member of the Committee has a conflict of interest if the member has: <ul style="list-style-type: none"> <li>a) A general conflict of interest as described in Section 127; or</li> <li>b) A material conflict of interest as described in Section 128.</li> </ul>
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<b>Please Note</b>	
<p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	

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## Campaspe Shire Council – Audit and Risk Committee Charter

## Appendix B

## Terms of Appointment

## 1. Chairperson

The current Chairperson is Linda MacRae

The term of the current Chairperson is until the December 2023 Audit and Risk Committee meeting.

## 2. Committee Members

Details of membership and tenure are set out below:

Member	Appointment date	End of current term	Eligible for reappointment
Simone Knight	December 2019	31 December 2023	Yes
Linda MacRae	December 2021	31 December 2025	No
Chris Gillard	25 October 2021	24 October 2025	Yes

## 3. Council Representatives

The current Councillor representatives are:

1. Cr Paul Jarman – Appointed December 2022 for 2 years
2. Cr Tony Marwood – Appointed December 2022 for 2 years.

## 4. Review

Appendix B is updated annually, or as required following:

- Appointment of a new Chairperson
- Appointment of a new Independent Member
- Appointment of Councillor representatives.

### 8.4.3 Tender - Toolleen Axedale Rd Upgrade

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Contracts and Procurement Manager
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	1. CONFIDENTIAL REDACTED- C23049 Evaluation Panel Report for Council Meeting [8.4.3.1 - 4 pages]

#### 1. PURPOSE

To provide the necessary information to Council to enable it to consider an award of Contract 23049 – Axedale – Toolleen Road Widening, to the preferred tenderer.

#### 2. RECOMMENDATION

**That Council approve:**

- 1. The award of tender C23049 to the preferred tenderer as proposed in the recommendation section of the confidential attachment to this report;**
- 2. The signing by the Chief Executive Officer of any documents which may be required to give effect to this resolution by Council;**
- 3. The approval by the Chief Executive Officer of a purchase order to the amount proposed by the preferred tenderer in the confidential attachment to this report;**
- 4. The Chief Executive Officer's authorisation of any variations within the approved budget for this project; and**
- 5. The publishing of the successful tenderer name and contract sum on Council's website.**

#### 3. BACKGROUND

This Contract is for the widening, rehabilitation of the existing pavement and a significant road (barrier) safety treatment of Axedale-Toolleen Road, Toolleen between Northern Highway and the Council boundary to improve safety for Higher Mass Limit vehicles and to improve connectivity across the district. Several wineries and agriculture businesses provided written support for the Project. Full design has been completed and the construction has been accepted for funding through the Local Roads and Community Infrastructure Program, Phase 4.

The works to be carried out under this contract include:

- Signage
- Removal and disposal of native trees
- Protection of existing native vegetation
- Underground drainage
- Road rehabilitation – utilising either existing and new materials
- Road sealing
- Line marking
- Roadside safety barriers
- Relocation of Electronic Warning Sign.

A robust public Request for Tender process was carried out in order to identify the preferred contractor for this project. The preferred tenderer was selected on the basis of value for money, demonstration of a methodology which met the particular requirements of the project in the necessary level of detail and the experience of the contractor in carrying out works of a similar type and scale.

The preferred tenderer's submission provided a high level of confidence in the evaluation panel that the requirements of this project will be met to Council's required standard, well within budget.

#### **4. CONSULTATION**

##### Internal consultation:

- Project Management Coordinator

##### External consultation:

- Heil Engineering Consultants

##### Councillors:

- 14 November 2023 Council Briefing Session.

#### **5. STRATEGIC ALIGNMENT**

##### **Council Plan 2021-2025**

##### **Resilient protected and healthy natural environment**

Well managed resources for a sustainable future

##### **Well planned places**

Ability to travel safely and easily by road and rail

#### **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

Procurement Policy 126

#### **7. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

Section 109 of the *Local Government Act 2020* (Vic) provides that Council must adhere to its Procurement Policy before entering into a contract for the supply of goods and services.

#### **8. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

Council has undertaken a robust public tender process to ensure the successful contract price is competitive in all the circumstances.

## 9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS

The proposed contract sum is within the approved budget for this project.

## 10. ISSUES AND RISK MANAGEMENT

### Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Delay to completion	Possible	Moderate	Moderate	Effective management of contract hold points. Potential impacts to ability to complete in time were identified during the tender process and mitigation actions discussed.
Financial Variations	Possible	Moderate	Moderate	Potential impacts to the overall contract sum were identified during the tender process and mitigation actions discussed. Effective project and contract management will help to minimise variations and ensure that any variations are justified in the particular circumstances.
Poor workmanship	Unlikely	Moderate	Moderate	References and previous projects were detailed in the tender submission. The tender evaluation panel considered the experience of the preferred tenderer was extensive and relevant to the work required under this contract. The defects liability period ensures rectification of any known issues within 12 months of practical completion.
OH&S issues	Rare	Moderate	Low	The contractor will be registered with Linksafe (Council's compliance system) with all insurances up to date. The Contractor's OH&S/safe work standards were assessed at the time of tender and are required to be strictly enforced.

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.

## 11. CONFLICT OF INTEREST

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

## 8.4.4 Council Plan Action progress report

**Directorate:** Corporate

**Responsible Officer:** Director Corporate

**Manager:** Chief Executive Officer

**Attachments:** 1. Council Plan Action Update - Q 1 2023-24 [8.4.4.1 - 4 pages]

### 1. PURPOSE

To provide Council with the first quarterly update on the progress and achievement of implementation of the 2023/24 Council Plan Actions.

### 2. RECOMMENDATION

**That Council receive and note the progress towards the year 3 actions of the Council Plan supporting implementation of the Council Plan Vision.**

### 3. DISCUSSION

The 2021-2025 Council Plan (Plan) is Council's key strategic document for the term of the Council, which 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.

This Plan sets a vision of 'Our places are vibrant and sustainable; our people are strong and supportive'. The Plan is supported by 49 initiatives funded in the 2023/24 Budget. Progress in relation to the implementation of the initiatives are reported to Council and the community quarterly.

This report is the first quarterly report of initiatives funded under the 2023/24 budget.

The attached Quarter 1 Council Plan Action Update Report provides the progress and status of the Council Plan Actions Year 3.

At the end of the quarter a summary of the status of the actions is as follows:

Completed	1
In Progress	37
Needs Attention	1
Not Started	10

All actions are due for implementation by 30 June 2024.

As part of the first quarter report, the following 1 initiative has been completed:

## Quarter 1 – Completed Initiatives

### Well Planned Places

- Undertake a residential land review for the Shire.

## 4. CONSULTATION

### Internal consultation:

The CEO, Directors and Department Managers from across the organisation have been consulted in relation to the progress of actions.

### Councillors:

- Council Briefing 14 November 2023

## 5. STRATEGIC ALIGNMENT

### **Council Plan 2021-2025**

The Council Plan is Council's key strategic document for the term of the Council, which 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. This report relates directly to the Council Plan as it provides an update on progress towards the delivery of the objectives identified in support of Council's vision.

## 6. POLICIES AND RELATED COUNCIL DOCUMENTS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered.

Several of the Year 3 Council Plan actions relate to changes, reviews or developments of Council policy or strategy or respond to legislative requirements. This includes development of an Echuca and District Livestock Exchange Strategy, development and implementation of an Economic Development and Tourism Strategy, implementation of the Echuca West Precinct Structure Plan, Urban Forest Strategy action plan development, a Cultural Diversity Plan, multi-year action plan for the Municipal Early Years Plan 2023-2025 and continued development of community Place Based Plans.

## 7. LEGAL AND STATUTORY OBLIGATIONS

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law. There are no direct legislative implications raised by this report.

## 8. FINANCIAL IMPLICATIONS

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

All actions are expected to be able to be delivered within Council's adopted budget for 2023-24 and several actions support the ongoing financial viability of Council and our community.

## 9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS



Some of the economic, social and environmental implications include:

- Echuca Aerodrome renewal and upgrade is expected to create economic opportunities through construction and new tourism opportunities, improved facilities, enhancing medical and regional connectivity and the inclusion of solar panels and rain gardens aligns with environmental sustainability goals.
- Echuca West Precinct Structure Plan provides a clear framework for development and planning.
- Toolleen-Axedale Road Widening and Safety Enhancement will support transportation and community safety.
- Rushworth Streetscape Renewal Stage 2 project aims to enhance the town aiming to create a more pleasant environment for residents and visitors.
- Stormwater Pump Renewal Program aims to improve stormwater management that will benefit the community.
- Sealed Roads Resealing Program can improve transportation, supporting economic activity and connectivity, benefiting residents.

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

The Action Plan responds to some of the key challenges that are facing not only Campaspe but also many other rural and regional communities. Over each of the four years of the 2021-2025 Council Plan, a set of annual objectives is developed to address these risks and deliver Council's vision for our community.

The key challenges include:

- Water security for the agricultural industry
- High costs of inputs for industry
- Transport connectivity and access
- After-hours health care
- An ageing population
- Substance abuse
- Availability of tertiary education and training
- Cross-border regulation
- Climate change
- Waste minimisation and sustainable disposal
- Energy self-sufficiency
- Water sustainability
- Digital connectivity
- Housing availability and affordability
- Skilled workforce recruitment and retention

### **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.

#### **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.

#### **12. CHARTER OF HUMAN RIGHTS**

The Charter of Human Rights and Responsibilities Act 2006 has been considered in the preparation of this report.

#### **13. INSTRUMENT OF DELEGATION**

The officer writing this report is acting within their delegation.

Strategic Priority Area:		Flourishing local economy		
Desired Outcome:		Flourishing local economy		
Strategy	#	Major Initiative	Q1 2023-24 Status	Comment for Council
Flourishing local economy	1	Commence the renewal and upgrade project at the Echuca Aerodrome.	In Progress	The Echuca Aerodrome Renewal and Upgrade project has commenced with detailed design, permits and approvals completed and tendering for the construction contract underway. Consultation with impacted stakeholders and groups has occurred and will continue as the project progresses. The contract recommendation will be considered by Council at the November 2023 meeting. Assuming a contract is awarded ground works will commence in January 2024.
	2	We will undertake construction works at the Victoria Park Boat Ramp, including new retaining wall and accessible ramp.	In Progress	This project has been delayed due to the river heights. Works to the dry section of the boat ramp should commence in the November with a December completion. Remaining works to the boat ramp should commence in May 2024.
	3	Continue to implement upgrades to the Echuca Holiday Park identified through the master plan	In Progress	
	4	Deliver an Echuca and District Livestock Exchange Strategy that will define the priorities and strategic objectives of the service for the future.	In Progress	Work has begun on developing a RFQ for a consultant to undertake the review and strategy. Information on Strategies for Livestock Exchanges from other Councils is being researched to inform scope of the RFQ and potential consultant(s) with the skills and capacity to undertake a review and deliver a strategy.
	5	Implement the Echuca West Precinct Structure Plan to encourage development of additional residential housing in Echuca.	In Progress	Echuca West Precinct Structure Plan is implemented in the Scheme and planning permits are in the process of being assessed. A review of the DCP and community infrastructure has been initiated in line with the direction from the Minister as part of the PSP/DCP approval.
	6	Develop and implement the actions from the Economic Development and Tourism Strategy.	In Progress	Briefing report to Council on 28th November. This will respond to the engagement report and provide an update on the Strategy's progress. This will inform the development of the strategy with a view to presenting a draft to Council in the first quarter of 2024.

Strategic Priority Area:		Resilient protected and healthy natural environment		
Desired Outcome:		Resilient protected and healthy natural environment		
Strategy	#	Major Initiative	Q1 2023-24 Status	Comment for Council
Resilient protected and healthy natural environment	7	Complete upgrades to skip bin loading bays at the Colbinabbin, Lockington and Toolleen Resource Recovery Centres.	In Progress	Tender open to construct in accordance with provided detailed design.
	8	Incorporate sustainable water and energy use initiatives into the Victoria Park Multi-purpose building design.	In Progress	The design includes a number of sustainable water and energy initiatives including but not limited to solar panels and rain gardens.
	9	Complete the Integrated Water Management project at the Echuca Aquatic Reserve drainage basin.	In Progress	It is anticipated the IWM component of the project will be completed by the 19 November.
	10	Develop an action plan for the implementation of the Urban Forest Strategy.	In Progress	Expected to come to Council in February 2024.
	11	Carry out sampling and testing on closed landfills to understand the environmental risks and identify remediation actions if required.	In Progress	2 out of 5 sites have been sampled and are awaiting results. The remaining 3 sites are delayed until insurance issues with DEECA are resolved.
	12	Develop an Environmental Sustainability Design framework for Council projects.	Not Started	Integrated planning department to review and determine what is required that would have beneficial outcomes for Council and that aligns with Councils environmental strategy.
	13	Implement actions in accordance with the Domestic Wastewater Management Plan to minimise the impacts of domestic wastewater on human health, the natural environment and local amenity.	Not Started	
	14	Develop an emissions reduction plan to assist in the delivery of Council's Environmental strategy	Not Started	

Strategic Priority Area:		Well planned places		
Desired Outcome:		Well planned places		
Strategy	#	Major Initiative	Q1 2023-24 Status	Comment for Council
	15	Complete the Toolleen Axedale Road widening project.	In Progress	Toolleen Axedale Road Widening and Safety Enhancement project has commenced with detailed design, planning and approvals achieved and required consultation (City of Greater Bendigo) completed. The construction tender has been advertised and is under evaluation with a recommendation for award scheduled to go to Council at its November '23 meeting. Assuming it is awarded works will commence December / January '24.
	16	Continue stage two of the Rushworth Streetscape renewal project	In Progress	Rushworth Streetscape Renewal Stage 2 has commenced on site with a construction contract being awarded at Council's September '23 meeting. A five-stage approach is planned to enable these works to be delivered efficiently and with the least disruption as possible to the community and property owners / traders etc. Works are underway on stage 1 being kerb replacement, footpath replacement and asphalt overlay on a 140lm section north from Wigg St.

Well planned places

17	Complete storm water pump renewals at sites in Kyabram and Rochester	In Progress	<p>PR-100810 Shire, Stormwater Pump Renewal Program.</p> <p>This recurring program is for the renewal of the civil, mechanical and electrical aspects of stormwater pumping stations. The first priority for the 2023/24 program is the consideration of any urgent works required for the Dudley Street Pumping Station in Rochester which is currently operating on a temporary manual basis. The balance of the program funds will be utilized to undertake a once-off condition assessment of all council's stormwater pumping stations as well as the production of associated standard drawings and specifications.</p> <p>The project is still in the planning phase with a Project Kick-off meeting planned mid-October.</p>
18	Complete irrigation renewal projects in parks and gardens within Kyabram, Rochester and Echuca	In Progress	<p>Requests for Quotation sought for all locations, including</p> <ul style="list-style-type: none"> <li>* Kyabram Service Centre</li> <li>* Mangan St, Tongala</li> <li>* Victoria Park, NRMA Holiday Park &amp; Hopewood Gardens, Echuca</li> </ul> <p>Renewal projects are on track for completion by the due date.</p>
19	Complete the Rushworth (Waranga) Rail Trail.	In Progress	Rushworth Rail Trail Stage1 - vegetation clearing awarded. Stage 2 - asphalt path is out to tender.
20	Finalise the Echuca Aquatic reserve designs and pursue funding opportunities.	In Progress	It is anticipated the design and costings will be completed by the end of November in preparation for seeking grant opportunities.
21	Finalise the Victoria Park Multi-purpose building design and pursue funding opportunities.	In Progress	The design is in the final stages with a completion date of end of November. Council has submitted and EOI under the Growing Regions fund for this project
22	Work with recreation reserve committees of management to identify sustainable infrastructure plans	In Progress	Officers have commenced developing a schedule in preparation implementation.
23	Complete the construction of Breen Ave Shared User Path (Kyabram).	In Progress	Construction was due to commence early September 2023 however unexpected additional approvals, including a determination on the extent of a Cultural Heritage Management Plan for a section of the path, are now required from V/Line. Officers will investigate the possibility of commencing works on the path outside the section in question.
24	Undertake a review of the shared path network across the shire.	Not Started	
25	Deliver our road resheeting and resealing programs.	In Progress	<p>Sealed Roads Resealing Program PR-100655</p> <p>This Project is for the renewal of sealed road surfaces and the application of final seals to rehabilitated sealed road pavements across the municipality. This is a scope to budget project. Project carried over with asphalt road treatments remaining for completion. Asphalt works scheduled for late Oct 23 completion.</p> <p>Shire Sealed Road Resurfacing Program PR-100822:</p> <p>This Project is for the renewal of sealed road surfaces and the application of final seals to rehabilitated for sealed road pavements across the municipality. This is a scope to budget project. Construction is underway. Sealing to be completed by end of October.</p> <p>Gravel road resheeting PR-100735:</p> <p>Additional roads identified for gravel road resheeting identified as requiring intervention. Local Roads and Community Infrastructure (Stage 3) funded. Due to floods, candidate roads are under review meaning tender process has been delayed. Works 99% complete, Practical Completion inspection completed, defects advised, tree pruning remaining at Hancock's road. Practical Completion to be achieved this month.</p> <p>Gravel road resheeting PR-100795:</p> <p>This project is for the renewal of gravel roads within the Campaspe Shire network that have reached intervention condition. Gravel Resheeting 23/24 is underway. Budget spend to date \$1.452 million.</p>
26	Undertake a residential land review for the Shire.	Completed	Residential land review for Campaspe was undertaken to review the supply and demand of residential land and a series of recommendations on land supply were developed. Recommendations to be reviewed by Integrated Planning Department to address any priorities and to determine what further strategic work is required.
27	Continue to provide free access to outdoor pools in 2023-24.	In Progress	The ODP will open on the 25 November and are free to the public.
28	Commence the delivery of an upgraded Request Management system.	In Progress	Planning has commenced.

29	Purchase new plant and equipment, made up of the following, to maintain roads and public open spaces: - One grader - Five utes - Two truck and dog trailers - Tractor and roller - Prime mover and water cart - Fuel cart - Excavator and trailer - Four trucks	In Progress	Tenders are open for several items of equipment and others have been ordered.
30	Implement communications media monitoring - to allow electronic monitoring of all media, including social media.	In Progress	Subscription to Meltwater commenced July 1, have finalised training and set up of monitoring framework and categories. Have finalised monthly reporting for ELT which will also be placed in the Council portal for Councillor viewing, commencing with the October report (due mid November).
31	Continued updating of Information Communications Technology security solutions.	In Progress	Implementation has been completed for end point detection and response. Planning has commenced for the remaining four security components.
32	Continue to update key technology systems to improve customer interactions, for both external and internal customers.	In Progress	ICT and Customer Service continue to regularly review the functionality of information technology systems with a focus on how they support customer interactions for both internal and external customers.

Strategic Priority Area:		Growing quality of life		
Desired Outcome:		Growing quality of life		
Strategy	#	Major Initiative	Q1 2023-24 Status	Comment for Council
Growing quality of life	33	Deliver a Library Services Strategy that will define the priorities and strategic objectives of the service.	Not Started	Manager appointed and will commence shortly.
	34	Deliver stage 2 of the Rochester Early Learning centre redevelopment to meet childcare demand in the Rochester district.	In Progress	Stage 2 planning is nearing completion and works on site are estimated to commence in the last week of November 2023, pending approvals.
	35	Develop a multi-year action plan for the Municipal Early Years Plan 2023-25.	In Progress	The Campaspe Early Years Network convened in October 2023 to workshop the year one implementation plan.
	36	Work in partnership with the Department of Education to review the Kindergarten Infrastructure and Services Plan, which will define kindergarten infrastructure demand across the municipality.	In Progress	Campaspe Shire Council has contributed local data to the Department of Education to inform the review of the Kindergarten Infrastructure and Services Plan. The Department of Education plan drafting process remains underway.
	37	Implement actions arising from audits on the cultural safety of Council's Maternal and Child Health and Centre Based Care services.	Needs Attention	There is significant demand for Cultural Safety audits and Campaspe Shire Council's early years and library services remain on a waiting list at the local level for formal audits to be conducted. In the meantime, services and staff continue to prioritise inclusion principals to work to improve the Cultural Safety of our services and facilities.
	38	Establish an Outdoor pool calendar of events in collaboration with local community groups.	In Progress	Officers are working in collaboration with community groups to establish a range of activities at the ODPs for the season. This includes rotation of the inflatables where possible.
	39	Work with community groups to increase activities at stadiums, including provision of Council run programs for community participation.	In Progress	Officers are working in collaboration with Healthy Loddon Campaspe to activate the three stadiums. Officers have carried out a survey with community to identify programs for delivery across all stadiums. It is anticipated that a pilot program will be offered in March 2024, however there is the potential to commence earlier subject to community organisations availability.
	40	Complete the renewal and upgrade of the Rushworth Service Centre and Library.	In Progress	We are working towards the Certificate of Occupancy being issued by the end of November 2023, enabling the Centre to be open early December 2023.
	41	Implement the Arbovirus program throughout the active season (typically November to March).	In Progress	Works have commenced in readiness for the active season.
	42	Develop a Cultural Diversity Plan	Not Started	
	43	Continue to develop Place Based Plans for communities.	In Progress	Rochester: plan will be validated prior to Christmas, expecting to seek Council endorsement early 2024. Colbinabbin: Commencing delivery in late 2023, early 2024. Stanhope: delivery is in progress. Rushworth: Plan will be validated in early 2024 prior to Council endorsement. Kyabram: delivery is in progress. Lockington & Echuca will be progressed early 2024.

44	Develop township facilities plans for Kyabram, Tongala and Colbinabbin	Not Started	This activity is scheduled to commence when the Place Based Planning has been endorsed.
45	Increase the contribution made to Department of Energy, Environment and Climate Action (DEECA) halls to \$2,000 per hall.	Not Started	Contributions are budgeted to be distributed to the halls in November.
46	Increase in the Grant Program for Community Houses	Not Started	Officers are currently reviewing the intent of this initiative.
47	Additional library resources, both books and digital resources	In Progress	Purchases of library resources are underway.
48	Continue to provide free access to outdoor pools in 2023-24.	In Progress	The ODP will open on the 25 November and are free to the public.
49	We will review and update the 10-year Finance Plan	Not Started	The 10 year Finance Plan will be reviewed and updated to reflect the current economic outlook as part of the 2024/25 budget process.

Legend:

	Completed
	In Progress
	Not started
	Needs Attention

## 8.4.5 Quarterly Financial Report

**Directorate:** Corporate

**Responsible Officer:** Director Corporate

**Manager:** Manager Finance

**Attachments:** 1. Quarterly Financial Reports- Q 1-2024 [8.4.5.1 - 8 pages]

### 1. PURPOSE

To present to Council a quarterly income statement, balance sheet, cashflow and capital works statements to provide a summary of the financial position of Council for the quarter ended September 2023.

### 2. RECOMMENDATION

**That Council receive and note the September Quarterly Financial Budget Report.**

### 3. DISCUSSION

A pack of the financial statements that makes up the quarterly budget report is included and contains:

**Income Statement:** Comparison of 2023/24 budget and 2023/24 actuals for the three months ended 30 September 2023.

**Balance Sheet:** Comparison of 2023/24 budget and 2023/24 actuals for the three months ended 30 September 2023.

**Cash Flow Statement:** Comparison of 2023/24 budget and 2023/24 actuals for the three months ended 30 September 2023.

**Statement of Capital Works:** Comparison of 2023/24 budget and 2023/24 actuals for the three months ended 30 September 2023.

#### Income Statement

The major variations to budget for the three months ended 30 September 2023 are:

- Revenue is greater than budget by \$0.82 million due to:
  - Additional rate revenue being raised from supplementary rates, \$181k.
  - Several grants being received earlier than expected, \$172k.
  - Additional income from investment interest, \$563k, due to the budget being set using a conservative approach.
  - Greater than budgeted income from the Quarry (\$612k) and Echuca Holiday Park (\$306k).
  - There is also \$751k of contributed assets, which is non-cash, impacting on the result. The assets have now been recognised by Council on the completion of a subdivision.

- These increases are being offset by the reduction in Financial Assistance Grants that were prepaid in June 2023. The grants were budgeted to be received in the current financial year.
  - Expenses are less than the budget by \$0.92 million. The variance to budget relates to the following:
    - \$251k savings in employee costs due to vacancies across the organisation.
    - \$134k savings in fuel costs, the budget was set considering the conflicts around the world that had the potential to drive the cost of fuel up.
    - An underspend on facilities maintenance of \$162k and the budgeted financial contribution to Campaspe Port Enterprise of \$500k budget to be paid in the first quarter, will be paid in the second quarter.
    - The timing of receipt of invoices for IT and Waste of \$422k – still expected to be spent by the end of the financial year.
- These are being offset by consultant costs in Building Services and People and Culture of \$314k.
- Greater than budgeted depreciation of \$94k due to the revaluation of assets at year-end 2022/23. Values increased, which increased depreciation more than was expected when setting the budget.

#### Capital Works Statement

The following comparisons can be made with reference to the Statement of Capital works:

- \$3.3 million of the \$11.13 million carried over capital works have been completed in the first quarter of the year.
- The delays in completing the Breen Avenue walking track in Kyabram are the result of VLine requests. These issues are taking time to work through.
- Programmed Capital Works that were delayed due to the flood are now being completed, along with the additional work required to repair infrastructure damaged in the flood.
- There have been delays in commencing the kerb and channel replacement program for 2023/24 and in completing works from 2022/23 due to the need to remove asbestos.
- The budget for plant replacement for 2023/24 includes an additional \$3.24 million of plant to increase the ability of Parks and Gardens and Road maintenance crews to deliver the service levels expected by the community.

## **4. CONSULTATION**

### Internal consultation:

- 25 September 2023 – Executive Management

### External consultation:

- 26 October 2023 – Audit and Risk Committee

### Councillors:

- 02 November 2023 Council Briefing Session.



## **5. STRATEGIC ALIGNMENT**

### **Council Plan 2021-2025**

The responsible management of Council's financial resources is vital to being able to deliver the Council Plan.

## **6. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

The Local Government Act 2020 s97 requires that a quarterly budget report comparing budgeted revenue and expenditure for the financial year with actual revenue and expenditure year to date is presented to the Council at a Council meeting which is open to the public. This report ensures that all statutory obligations are met.

## **7. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

Council is in a strong financial position but will need to review operational costs in coming years to maintain this position.

## **8. ISSUES AND RISK MANAGEMENT**

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

## **9. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

## Campaspe Shire Council

2023/24 Quarterly Financial Report

## Comprehensive Income Statement

for the period from 01/07/23 to 30/09/23

		<b>Actual</b>	<b>Budget</b>	\$ Variance	% Variance
		<b>01/07/23 to</b>	<b>01/07/23 to</b>	Actual	Actual
		<b>30/09/23</b>	<b>30/09/23</b>	vs. Budget	vs. Budget
	Notes	<b>\$ '000</b>	<b>\$ '000</b>	\$ '000	%
<b>Income / Revenue</b>					
Rates and charges	1	49,130	48,853	277	1%
Statutory fees and fines		328	327	1	0%
User fees	2	3,865	3,318	547	16%
Grants - operating	3	476	3,285	(2,809)	(86)%
Grants - capital	4	387	-	387	-
Contributions - monetary	5	178	29	149	514%
Contributions - non monetary	6	751	-	751	-
Net gain on disposal of property, infrastructure, plant and equipment	7	282	-	282	-
Other income	8	1,885	647	1,238	191%
<b>Total income / revenue</b>		<b>57,282</b>	<b>56,459</b>	<b>823</b>	<b>1%</b>
<b>Expenses</b>					
Employee costs	9	7,404	7,655	251	3%
Materials and services	10	8,847	9,394	547	6%
Depreciation	11	5,898	5,804	(94)	(2)%
Borrowing costs		34	33	(1)	(3)%
Other expenses	12	1,348	1,574	226	14%
<b>Total expenses</b>		<b>23,531</b>	<b>24,460</b>	<b>929</b>	<b>4%</b>
<b>Surplus/(deficit) for the year</b>		<b>33,751</b>	<b>31,999</b>	<b>1,752</b>	<b>5%</b>
<b>Total comprehensive result</b>		<b>33,751</b>	<b>31,999</b>	<b>(1,752)</b>	<b>(5)%</b>

**Campaspe Shire Council**  
**Comprehensive Income Statement**  
 for the period from 01/07/23 to 30/09/23

2023/24 Quarterly Financial Report

**Notes to the Income Statement**

1. (Rates and Charges) - New development has triggered the supplementary rate process, additional rate revenue of \$186k has been generated. Made up of \$18k municipal charge and \$168k variable rates. This has been offset by supplementary rates that have reducing the value of properties.
2. (User Fees) - A favourable result with several services greater than budgeted, Quarry rock sales \$612k, Holiday Park \$306K, Water sales \$33k, Planning approvals and Engineering development \$98K. Being offset by services less than budgeted, Transfer Station \$163k, Livestock Exchange \$20k, Local Law compliance \$19k and Childcare \$194k.
3. (Grants operating) – The 2023/24 Financial Assistance Grants were fully pre-paid in June 2023. An underpayment of the 2022/23 allocation of \$612k will be paid quarterly in 2023/24.
4. (Grants capital) – An instalment of the Black Summer Bushfire grant (\$300k) for the Waranga Rail Trail progress payment of the redevelopment of the Vic Park boat ramp have been received. The full grants was budgeted in a prior year.
5. (Contributions monetary) – Unbudgeted funding of \$100k has been received for the Healthy Loddon Campaspe program and \$74k developer contributions to public opens spaces.
6. (Contributions non-monetary) – Fixed assets transferred to Council's control on the completion of the Echuca Fields subdivision.
7. (Gain or loss on the disposal of property, plant & equipment) – \$172k has been received as trade ins when replacing plant and \$110k is from the sale of land at Gunbower and part of Moore Street carpark in Rochester.
8. (Other income) - Interest rates being received on investments are much greater than the rate used for setting the budget. Due to the uncertainty in the economy at the time, a conservative approach was used.
9. (Employee expenses) – Vacancies across the organisation have resulted in savings in employee costs.
10. (Materials and services) – Savings in plant and fleet costs to date of \$134k in fuel, facilities maintenance underspent to budget \$162k. Timing of receipt of invoices across IT and Waste \$422k are being offset by consultant payments in HR and Building of \$314k. There are many other minor savings that contribute to the variance to date. These may be timing issues or genuine savings. This will not be known until the first budget review.
11. (Depreciation) – Actual depreciation is greater than budgeted due to revaluations completed at year end increasing the value of the infrastructure assets being depreciated. The increase is greater than expected when setting the budget.
12. (Other expenses) – Council's financial contribution to Campaspe Port Enterprise was budgeted to occur in the first quarter, it will be paid in the second quarter.

## Campaspe Shire Council

2023/24 Quarterly Financial Report

## Balance Sheet

for the period from 01/07/23 to 30/09/23

		<b>Actual</b>	<b>Budget</b>	\$ Variance	% Variance
	Notes	<b>01/07/23 to 30/09/23 \$ '000</b>	<b>01/07/23 to 30/09/23 \$ '000</b>	Actual vs. Budget \$ '000	Actual vs. Budget %
<b>Assets</b>					
<b>Current assets</b>					
Cash and cash equivalents	1	8,242	4,384	3,858	47%
Trade and other receivables	2	45,893	42,000	3,893	8%
Prepayments		-	-	-	-
Other financial assets	3	90,000	40,505	49,495	55.5%
Inventories		777	900	(123)	(16)%
Other assets	4	2,231	1,157	1,074	48%
<b>Total current assets</b>		<b>147,143</b>	<b>88,946</b>	<b>58,197</b>	<b>40%</b>
<b>Non-current assets</b>					
Trade and other receivables		-	32	(32)	-
Other financial assets	3	-	19,514	(19,514)	-
Property, infrastructure, plant and equipment	5	790,752	789,887	2	0%
Intangible assets	6	4,261	3,919	342	8%
Right-of-use assets		532	1,160	(628)	(118)%
<b>Total non-current assets</b>		<b>795,545</b>	<b>814,512</b>	<b>(19,830)</b>	<b>(2)%</b>
<b>Total assets</b>		<b>942,688</b>	<b>903,458</b>	<b>38,367</b>	<b>4%</b>
<b>Liabilities</b>					
<b>Current liabilities</b>					
Trade and other payables	7	1,813	2,000	187	10%
Trust funds and deposits	8	2,790	2,216	(574)	(21)%
Unearned income/revenue	9	6,897	6,500	(397)	(6)%
Provisions	10	6,993	6,860	(133)	(2)%
Interest-bearing liabilities	11	1,245	1,659	414	33%
Lease liabilities		427	332	(95)	(22)%
<b>Total current liabilities</b>		<b>20,165</b>	<b>19,567</b>	<b>(598)</b>	<b>(3)%</b>
<b>Non-current liabilities</b>					
Trust funds and deposits	8	18	29	11	61%
Provisions	10	314	391	(77)	(25)%
Interest-bearing liabilities	11	3,991	2,331	(1,660)	(42)%
Lease liabilities		121	589	468	387%
<b>Total non-current liabilities</b>		<b>4,444</b>	<b>3,340</b>	<b>(1,258)</b>	<b>(38)%</b>
<b>Total liabilities</b>		<b>24,609</b>	<b>22,907</b>	<b>(1,702)</b>	<b>(7)%</b>
<b>Net assets</b>		<b>918,079</b>	<b>880,551</b>	<b>36,665</b>	<b>4%</b>
<b>Equity</b>					
Accumulated surplus		331,406	319,531	11,875	4%
Reserves		586,673	561,020	25,653	4%
<b>Total Equity</b>		<b>918,079</b>	<b>880,551</b>	<b>37,528</b>	<b>4%</b>

**Campaspe Shire Council**  
**Comprehensive Balance Sheet**  
for the period from 01/07/23 to 30/09/23

2023/24 Quarterly Financial Report

**Notes to the Balance Sheet**

1. (Cash & cash equivalents) – It is difficult to predict the exact cash position when setting the budget as this is dependent on the timing of the receipt of income and the payment of invoices.
2. (Trade & other receivables) – The collection of rates is higher than the target collection rate.
3. (Other financial assets current & non-current) – The budget was set based on business as usual, it did not account the receipt in advance of disaster relief funding or grants received from other levels of government to assist in the flood recovery. In addition, the Financial Assistance Grants were fully prepaid in June giving an additional \$14 million available to invest. These funds will be redeemed for cash flow purposes as the year progresses.
4. (Other assets) – Other assets are recognition of an insurance claim and local roads and infrastructure grant accrued back to 2022-23 of \$632k and accrued investment interest of \$1.6 million.
5. (Property, plant & equipment) – Delivery of capital works is tracking well and includes the carryover capital works from 2022/23.
6. (Intangible assets) – The value of the water rights increased slightly more than was expected when setting the budget.
7. (Trade & other payables) – Trade payables are tracking well to budget.
8. (Trust funds & deposits current & non-current) – The budget for trust funds and deposits is based on the prior year, it is difficult to predict what might be received or returned as it is dependent on what work is being carried out that requires the payment of a bond.
9. (Unearned income) – Unearned income is made up of any grant payments that have been received in advance for specific projects. These funds will be recognised as revenue as the projects progress.
10. (Provisions current & non-current) – Provisions are tracking to budget.
11. (Interest bearing loans current & non-current) – The budget was set based on the assumption that we were due to draw down a loan in 21/22, the loan was drawn down in 22/23 which has impacted on the budget for non-current loans.

## Campaspe Shire Council

2023/24 Quarterly Financial Report

## Statement of Cash Flows

for the period from 01/07/23 to 30/09/23

		Actual 01/07/23 to 30/09/23 Inflows/ (Outflows) \$ '000	Budget 01/07/23 to 30/09/23 \$ '000	\$ Variance Actual vs. Budget \$ '000	% Variance Actual vs. Budget %
	Notes				
<b>Cash flows from operating activities</b>					
Rates and charges	1	12,364	12,258	106	1%
Statutory fees and fines	2	777	318	459	59%
User fees	3	2,115	3,900	(1,785)	(84)%
Grants - operating	4	476	4,044	(3,568)	(750)%
Grants - capital	5	387	192	195	50%
Contributions - monetary	6	178	-	178	100%
Interest received	7	1,070	507	563	53%
Trust funds and deposits taken		(998)	-	(998)	100%
Other receipts	8	2,827	63	2,764	98%
Net GST refund/payment		296	-	296	100%
Employee costs	9	(7,732)	(8,700)	968	(13)%
Materials and services	10	(7,638)	(6,888)	(750)	10%
Other payments	11	(2,665)	(1,686)	(979)	37%
<b>Net cash provided by/(used in) operating activities</b>		<b>1,457</b>	<b>4,008</b>	<b>(2,551)</b>	<b>(175)%</b>
<b>Cash flows from investing activities</b>					
Payments for property, infrastructure, plant and equipment	12	(4,259)	(7,638)	6,889	(920)%
Proceeds from sale of property, infrastructure, plant and equipment	13	311	-	311	100%
Proceeds from sale of investments	14	4,500	1,900	2,600	58%
<b>Net cash provided by/(used in) investing activities</b>		<b>552</b>	<b>(5,738)</b>	<b>6,290</b>	<b>1,139%</b>
<b>Cash flows from financing activities</b>					
Finance costs		(34)	(33)	(1)	3%
Repayment of borrowings		(357)	(402)	45	(13)%
Interest paid - lease liability		-	(4)	4	-
Repayment of lease liabilities		(4)	(75)	71	(1,775)%
<b>Net cash flow provided by/(used in) financing activities</b>		<b>(395)</b>	<b>(514)</b>	<b>119</b>	<b>(30)%</b>
<b>Net Increase (decrease) in cash and cash equivalents</b>		<b>1,614</b>	<b>(2,244)</b>	<b>3,858</b>	<b>75%</b>
Cash and cash equivalents at the beginning of the financial year		6,628	6,628	-	0%
<b>Cash and cash equivalents at the end of the financial year</b>		<b>8,242</b>	<b>4,384</b>	<b>3,858</b>	<b>47%</b>

**Campaspe Shire Council**  
**Comprehensive Cashflow Statement**  
 for the period from 01/07/23 to 30/09/23

2023/24 Quarterly Financial Report

**Notes to the Cashflow Statement**

1. (Rates & charges) – cash collected from the payment of rates is above the target set for rate collection but is slightly less than previous years at the same time.
2. (Statutory fees & fines) – The variance is a due to the movement in the balance sheet related to the provision for bad debts.
3. (User fees) – The split between user fees and other receipts has been changed since the budget was set. The variance in user fees is being offset with the variance in other receipts.
4. (Grants operating) – The prepayment of the Financial Assistance Grants in 2022/23 was not expected when the budget was set.
5. (Grants capital) – Grants for projects that are multiyear projects are recognised in the year budgeted but the actual funds can be received in later years.
6. (Contributions monetary) - \$100k for the Healthy Loddon Campaspe program has been received and \$74k developer contribution to public open space.
7. (Interest received) – Interest rates being received on investments are much greater than the rate used for setting the budget. Due to the uncertainty in the economy at the time a conservative approach was used.
8. (Other receipts) – The split between user fees and other receipts has been changed since the budget was set. The variance in user fees is being offset with the variance in other receipts.
9. (Employee costs) – Vacancies across the organisation resulting in savings of employee costs.
10. (Materials & services) – The greater than budgeted payment for materials and services also considers the movement in the balance sheet for trade payables between last year and this year and not the budget.
11. (Other payments) – See Note 3.
12. (Payments for property, infrastructure, plant & equipment) – The timing of the delivery of the capital program impacts on the actual result versus the budget. The budget is set based on delivering the full program of capital works each year. The delivery of the program is largely on track, but the budgeted delivery was not realistic. This will be adjusted at the budget review.
13. (Proceeds from sale of property, infrastructure, plant & equipment) – \$172k has been received as trade ins when replacing plant and \$110k is from the sale of land at Gunbower and part of Moore Street carpark in Rochester.
14. (Proceeds from sale of investments) – Investments are reinvested or redeemed to meet cashflow requirements.

**Campaspe Shire Council**  
**Statement of Capital Works**

For the period ended 30 Sept 2023

Capital Works Areas	Notes	Actuals	Budget	Variances		Full Year Budget	Actual	Budget
		3 mths ended 30 Sept 2023 \$'000	3 mths ended 30 Sept 2023 \$'000	Actual v Bgt \$'000 %		As at 30 Jun 2024 \$'000	Carryover works from 2022/23 program	Carryover works from 2022/23 program
<b>Property</b>								
Land	1	-	-	-	0.0%	-	8	70
<b>Total land</b>		-	-	-		-	<b>8</b>	<b>70</b>
Buildings	2	22	1	21	95.5%	4,261	1,384	943
Heritage buildings		-	-	-	0.0%	47		
<b>Total buildings</b>		<b>22</b>	<b>1</b>	<b>21</b>		<b>4,308</b>	<b>1,384</b>	<b>943</b>
<b>Total property</b>		<b>22</b>	<b>1</b>	<b>21</b>	-	<b>4,308</b>	<b>1,392</b>	<b>1,013</b>
<b>Plant and equipment</b>								
Computers and Telecommunications		-	-	-	0.0%	50		
Plant, Machinery and Equipment	3	21	143	(122)	(581.0%)	6,566	1,207	1,550
<b>Total Plant and equipment</b>		<b>21</b>	<b>143</b>	<b>(122)</b>		<b>6,616</b>	<b>1,207</b>	<b>1,550</b>
<b>Infrastructure</b>								
Aerodromes	4	-	-	-	-	3,177		
Bridges	5	16	10	6	0.0%	859	7	22
Drainage	6	77	151	(74)	(96.1%)	1,928	77	182
Footpaths and Cycleways	7	64	69	(5)	(7.8%)	1,659	36	687
Other Infrastructure		-	-	-	0.0%	-	59	21
Parks, Open Space and Streetscapes		-	-	-	0.0%	200	11	6
Recreational, Leisure and Community Facilities	8	5	240	(235)	0.0%	1,044		
Roads	9	748	883	(135)	(18.0%)	6,690	528	471
Waste Management		-	-	-	0.0%	901	2	
<b>Total Infrastructure</b>		<b>910</b>	<b>1,353</b>	<b>(443)</b>		<b>16,459</b>	<b>720</b>	<b>1,389</b>
<b>Total Capital Works</b>		<b>953</b>	<b>1,497</b>	<b>(544)</b>	-	<b>27,382</b>	<b>3,319</b>	<b>3,952</b>



**Campaspe Shire Council**  
**Statement of Capital Works**  
 for the period from 01/07/23 to 30/09/23

2023/24 Quarterly Financial Report

1. (Land) -

**Carryover project** - The work on the stormwater in the Aquatic Reserves has been delayed due to flood or high river levels. All safety assessments have been finalised and the works are now under way.

2. (Buildings) - Renewal works at the Livestock exchange are progressing ahead of schedule.

**Carryover projects** - There were delays with works in Echuca Holiday Park due to the flood, these works are now progressing well.

3. (Plant, machinery and equipment) - Vehicle and plant lead times are still causing delays. Council approved an increase in the amount equipment used by parks & gardens and for road maintenance to enable these teams to deliver better services to the community. While every effort is being made to secure these items as soon as possible, there are up to 18 month waits on some items.

**Carryover projects** - A number of large plant items ordered in the 2022/23 year have been delivered.

4. (Aerodromes) - The project to upgrade the aerodrome has received funding and has been included in the 2023/24 program.

5. (Bridges) - Current year projects are ahead of schedule.

**Carryover projects** - There have been delays in finalising designs for Thompsons Bridge, these are now in the finalisation stages.

6. (Drainage) - There have been delays in commencing the kerb and channel replacement for the current year.

**Carryover projects** - There have been delays due the need to remove asbestos, these works will commence in the second quarter.

7. (Footpaths and cycleways) - Current year works are on track.

**Carryover projects** - Breen Avenue construction contract awarded but Vic Track requests are causing a delay to construction commencing. The remaining footpath works that carried over from 2022/23 are now under construction.

8. (Recreation, leisure & community facilities) - Delays have been experienced across the program of works.

**Carryover projects** - All carry over works are on track.

9. (Roads) - The gravel road resheeting program is progressing as planned but invoices were not received in September in line with work completion to fully show the works completed.

**Carryover projects** - The additional gravel road resheeting program is ahead of schedule.

## 8.4.6 Community Satisfaction Survey Action Plan Progress Report

**Directorate:** Corporate

**Responsible Officer:** Director Corporate

**Manager:** Chief Executive Officer

**Attachments:** 1. Community Satisfaction Survey Action Plan Q1 Update Report [8.4.6.1 - 3 pages]

### 1. PURPOSE

To inform Council of the progress on implementation of initiatives against the Community Satisfaction Survey Action Plan, developed in response to the low performing areas of the 2023 Community Satisfaction Survey results.

### 2. RECOMMENDATION

**That Council acknowledge the 2023 Community Satisfaction Survey Action Plan initiative update and quarterly report as attached.**

### 3. DISCUSSION

At its May 2023 meeting, Council received the results of its 2022-23 Community Satisfaction Survey and authorised the Chief Executive Officer to develop an Action Plan to address the lower scoring results.

At its July 2023 meeting, Council endorsed the 2023 Community Satisfaction Survey Action Plan initiatives and resolved to receive quarterly reports on progress to implement the initiatives.

The attached Community Satisfaction Survey Action Plan Q1 Update Report provides some detail on the progress and status of the Action Plan.

At the end of the quarter a summary of the status of the actions is as follows:

Completed	3
In Progress	24
Needs Attention	0
Not Started	9

### 4. CONSULTATION

Internal consultation:

- Executive Leadership Team
- Management Team

## Councillors:

- 6 June 2023 Council Briefing Session.
- 27 June 2023 Council Briefing Session
- 18 July 2023 Council Meeting
- 14 November 2023 Council Briefing Session

## **5. STRATEGIC ALIGNMENT**

### **Council Plan 2021-2025**

#### Growing Quality of Life

- Effective and efficient services available locally

The Community Satisfaction Survey is a measure of the Campaspe Shire community's satisfaction with Council's services and facilities. The 2023 survey results show some small increases on the previous 2022 results across several measures, and a longer-term downward trend in relation to satisfaction with sealed local roads. To address this declining trend in community satisfaction with Council services and facilities an Action Plan has been developed to improve public perception and satisfaction with Council.

## **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

2023 Community Satisfaction Survey results.

## **7. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law. There are no direct legal implications raised in this report.

## **8. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

Financial and non-financial resources required to implement the initiatives outlined in the plan have been considered. All initiatives are within current resources.

## **9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

The implementation of the Community Satisfaction Survey Action Plan carries social and environmental implications and implementation of these actions can lead to increased community satisfaction.

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

The initiatives identified in the Action Plan seek to address and improve public perception of Council's services and facilities. Without ongoing action, public perception and the Community Satisfaction Survey scores are likely to continue to decline.

## **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.

## **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting. The officer writing this report has no conflict of interest in this matter.

## **12. CHARTER OF HUMAN RIGHTS**

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report.

## **13. INSTRUMENT OF DELEGATION**

The officer writing this report is acting within their delegation.

#	Major Initiative	Measure	Q1 2023-24 Status	Comment for Council
1	Review the Communications Strategy for relevance, with emphasis on educating the community on what Local Government do, and services provided.	Communications Strategy Review completed and presented to Council for endorsement.	In Progress	New communications strategy under way, inclusive of 4 high level main strategic objectives' recognised and valued brand, review of communications tools for efficient and effective use in educating, engaging and informing community, internal communications are valued and prioritised, and community awareness of local upgrades/projects.
2	Deliver a centralised and consistent branding project to increase visibility of Campaspe's people, services, facilities and activities in collaboration with communication strategy review.	* Campaspe vehicles rebranded inline with communications strategy review recommendations. * Signage audit completed identifying former branding requiring removal. * Project construction site fence screening designed.	In Progress	Design and quotes for branding of Council vehicles has been supplied to Fleet for roll out. Signage Audit is a big piece of work and has been included in work plans for 2024. Additionally, work on a positioning statement for Council and the overall vision will underpin branding and marketing of Council.
3	Develop pre-paid postcards for letterbox dropping at the completion of local projects (e.g. local street resheeting) that offer a few tick boxes and free text area for residents to return about how the project was communicated and delivered.	Post cards developed, incorporated in the project management process and rolled out for 5 projects.	In Progress	Refining the end to end process for this to ensure an authentic process for community members engaging in the feedback mechanism. Printed postcards may not be the most effective tool for garnering f/back - exploring a varied approach utilising QR codes and social media, as well as traditional methods of post.
4	Partner with local community champions to celebrate achievements and the benefits to our community from the delivery of projects, services, programs, grants etc.	1 media campaign delivered per month incorporating community champions.	In Progress	We have started this utilising small video reels of grant recipients talking about and demonstrating how their grants was received and used. We will collate stats on the views. This is hand in hand with monitoring Notes of Appreciation and contacting those people for further endorsement through various comms channels on social media. Where relevant, we further promote via media channels.
5	Commence the delivery of an upgraded Request Management system.	Request Management System upgrade commenced.	In Progress	Planning is currently underway.
6	Continue to update key technology systems to improve customer interactions, for both external and internal customers.	Transition to CiAnywhere for accounts payable and purchasing.	In Progress	Testing and final configuration transition to the latest version of TechnologyOne CiAnywhere for purchasing and accounts payable is currently on track for implementation by December 30.
7	Deliver staff training on the use of the request management system.	* Refresher training on the use of Request Management provided to departments and staff who are identified as requiring this. * New staff who are expected to use Request Management to receive Request Management training within 2 months of commencement.	In Progress	Planning is currently underway.
8	Deliver customer service training to council staff with technical roles to improve communication and customer interactions, including outlining councils Customer Service Charter delivery promise.	Training delivered.	Not Started	
9	Deliver staff training on IAP2 model with specific focus on the different engagement approaches.	Training delivered.	Not Started	
10	Develop and implement a post service request closure survey to understand the customers journey and opportunities for improvement in the process.	Survey developed, survey rollout plan prepared. Survey implementation completed in accordance with rollout plan.	Not Started	
11	Deliver livestream community information (Q&A) sessions	6 sessions delivered	Not Started	Not formally started on our own livestream channels. In meantime, have broadened our EMFM radio spots to include officers and managers as well as councillors to spread the knowledge of council/ roles/ projects.
12	Review the customer experience journey across key community facing service areas, identifying touch points of weakness and improvement opportunities.	Review completed and reported to ELT.	Not Started	This is planned to commence in Q3 now that managers have been appointed.
13	Review community grant funding agreement to incorporate increased recognition and acknowledgment of Council's contribution to supporting the event.	Review completed and reported to ELT.	Not Started	Awaiting of Community Grants Officer (currently advertised)

#	Major Initiative	Measure	Q1 2023-24 Status	Comment for Council
14	Investigate options for the establishment of community panels/reference groups and how they may be used to support improved community satisfaction with Council's services and facilities.	Investigation completed, options identified and presented to Council for consideration.	Not Started	
15	Increase the public face of the Council through Councillor /Executive community conversations/ listening posts.	20 Sessions held (at least one per ward on a quarterly basis).	In Progress	Discussions have occurred with all Councillors regarding potential listening posts dates.
16	Complete the Toolleen Axedale Road widening project.	Road widening completed and project closed.	In Progress	Toolleen Axedale Road Widening and Safety Enhancement project has commenced with detailed design, planning and approvals achieved and required consultation (City of Greater Bendigo) completed. The construction tender has been advertised and is under evaluation with a recommendation for award scheduled to go to Council at its November '23 meeting. Assuming it is awarded works will commence December / January '24.
17	Continue stage two of the Rushworth Streetscape renewal project.	Stage 2 works completed and project closed.	In Progress	Rushworth Streetscape Renewal Stage 2 has commenced on site with a construction contract being awarded at Council's September '23 meeting. A five-stage approach is planned to enable these works to be delivered efficiently and with the least disruption as possible to the community and property owners / traders etc. Works are underway on stage 1 being kerb replacement, footpath replacement and asphalt overlay on a 140lm section north from Wigg St.
18	Deliver our road resheeting and resealing programs.	Road resheeting and resealing program for 2023/24 completed and project closed.	In Progress	<p>Sealed Roads Resealing Program PR-100655 This Project is for the renewal of sealed road surfaces and the application of final seals to rehabilitated sealed road pavements across the municipality. This is a scope to budget project. Project carried over with asphalt road treatments remaining for completion. Asphalt works scheduled for late Oct 23 completion.</p> <p>Shire Sealed Road Resurfacing Program PR-100822: This Project is for the renewal of sealed road surfaces and the application of final seals to rehabilitated for sealed road pavements across the municipality. This is a scope to budget project. Construction is underway. Sealing to be completed by end of October.</p> <p>Gravel road resheeting PR-100735: Additional roads identified for gravel road resheeting identified as requiring intervention. Local Roads and Community Infrastructure (Stage 3) funded. Due to floods, candidate roads are under review meaning tender process has been delayed. Works 99% complete, Practical Completion inspection completed, defects advised, tree pruning remaining at Hancock's road. Practical Completion to be achieved this month.</p> <p>Gravel road resheeting PR-100795: This project is for the renewal of gravel roads within the Campaspe Shire network that have reached intervention condition. Gravel Resheeting 23/24 is underway. Budget spend to date \$1.452 million.</p>
19	Purchase new plant and equipment, made up of the following, to maintenance of roads and public open spaces: - One grader - Five Utes - Two truck and dog trailers - Tractor and roller - Prime mover and water cart - Fuel cart - Excavator and trailer - Four	New plant and equipment purchased.	In Progress	Tenders are open for several items of equipment and others have been ordered.
20	Review the gravel roads maintenance program to incorporate a "zoned grading" approach and newly purchased plant and equipment for increased efficiency.	Review completed and Council briefed.	In Progress	Work to review the zoned grading approach is underway.
21	Commence review of the Road Management Plan.	Review commenced.	Not Started	Draft Road Management Plan for public exhibition:  The Draft will complete to the ELT Review by June 2024 Briefing to Council by June / July 2024 Report to Council in July 2024

#	Major Initiative	Measure	Q1 2023-24 Status	Comment for Council
22	Complete storm water pump well renewal at Colbinabbin and Echuca.	Renewal projects completed at Gamble Court and Mt Terrick.	In Progress	Stormwater pump replacement at Colbinabbin is underway. Further design and survey work is being undertaken for the Echuca stormwater pump.
23	Complete the Integrated Water Management project at the Echuca Aquatic Reserve drainage basin.	Works at the Echuca Aquatic Reserve completed and project closed.	In Progress	It is anticipated the IWM component of the project will be completed by the 19 November.
24	Investigate and renew high priority rural drainage culverts in accordance with adopted budget.	Renewal works completed.	In Progress	Investigation is underway with scope and costing expected to be developed by the end of the calendar year.
25	Complete a review of the drainage inspection procedure.	Procedure reviewed and signed by required parties, staff trained and WIS implemented.	In Progress	This action is currently under review.
26	Complete the construction of Breen Ave Shared User Path (Kyabram).	Construction completed and project closed.	In Progress	Construction was due to commence early September 2023 however unexpected additional approvals, including a determination on the extent of a Cultural Heritage Management Plan for a section of the path, are now required from V/Line. Officers will investigate the possibility of commencing works on the path outside the section in question.
27	Complete the Rushworth (Waranga) Rail Trail.	Construction completed and project closed.	In Progress	Rushworth Rail Trail Stage1 - vegetation clearing awarded. Stage 2 - asphalt path is out to tender.
28	Undertake a review of the shared path network across the shire.	Review completed and Council briefed.	Not Started	
29	Continue to review and update wayfinding signs across the shire.	Review completed and Council briefed on updates required.	In Progress	
30	Commence preliminary investigation and detail design for the Riverboat Dock to Victoria Park shared path.	Project scope and charter submitted.	In Progress	Detailed design in progress. Engagement plan for surrounding residents currently being developed.
31	Complete the construction of the Echuca East Recreation Reserve pump bike track.	Construction completed and project closed.	In Progress	Tenders assessed for a design and construct project.
32	Renew four existing public toilet facilities.	Construction completed and project closed.	In Progress	Works are underway. Contract awarded in late June and works at each site are progressing. Rochester public toilet has been demolished and new construction will commence shortly.
33	Conduct a review on Council's response during the flood, including community consultation and engagement exercise, with a view to release an open report, with actions attached.	Review completed and reported to Council.	Completed	Report received and implementation is underway.
34	Establish a Recovery Hub, for a period of 2 years to ensure Community has access to services and support post floods.	Recovery Hub established and operational.	Completed	Recovery Hub unofficially opened in June 2023. Official opening is booked for October 2023.
35	Improve Council's internal preparedness to an Emergency, including its Emergency Management Structure, Policies and Procedures.	Preparedness review completed and recommendations reported to Council.	In Progress	Guided by the After Action Review report, council are implementing significant changes to our emergency management practices.
36	Establishment of a Municipal Recovery Committee to guide Recovery, made up of community members and agency staff	Municipal Recovery Committee established.	Completed	Municipal Recovery Committee has been established and is meeting regularly.

Legend:

	Completed
	In Progress
	Not started
	Needs Attention

## 8.4.7 Appointment and Authorisation - James Maw

**Directorate:** Corporate

**Responsible Officer:** Acting Manager Governance and Risk

**Manager:** Director Corporate

**Attachments:** 1. Inst Auth James Maw 2023 11 08 [8.4.7.1 - 1 page]

### 1. PURPOSE

To appoint James Maw as an authorised officer for the purposes of the administration and enforcement of Acts and Regulations which relate to the functions and powers of Campaspe Shire Council.

### 2. RECOMMENDATION

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

- 1. The member of Council staff referred to in the instrument and listed below be appointed and authorised as set out in the instrument:**
  - 1.1 James Maw**
- 2. The instrument comes into force following Council resolution and remains in force until Council determines to vary or revoke it, or on cessation of the officer's employment with Council.**
- 3. The instrument be signed by two Councillors and the Chief Executive Officer.**

### 3. DISCUSSION

The authorisation will ensure that Council is able to fulfill its administration and enforcement responsibilities under relevant legislation as listed in the authorisation.

### 4. CONSULTATION

Internal consultation:

- Chief Executive Officer.
- Director Community Safety & Recovery.

Councillors:

- 14 November 2023 Council Briefing Session.



## 5. STRATEGIC ALIGNMENT

### Council Plan 2021-2025

Effective and efficient services available locally – this authorisation will allow Council officers to fulfill their duties in service delivery and enforcement.

## 6. POLICIES AND RELATED COUNCIL DOCUMENTS

Nil.

## 7. LEGAL AND STATUTORY OBLIGATIONS

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

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

Section 224(1) of the *Local Government Act 1989* provides that:

*A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*

This appointment seeks authorisation under the following legislation:

- *Planning and Environment Act 1987.*
- *Environment Protection Act 2017.*
- *Residential Tenancies Act 1997.*
- *Summary Offences Act 1966.*
- *Local Government Act 2020.*
- *Section 224 of the Local Government Act 1989.*

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

## 8. FINANCIAL IMPLICATIONS

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured. There are no direct financial implications of this authorisation.

## 9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS

Nil.

## 10. ISSUES AND RISK MANAGEMENT

### Issues:

Without appropriately skilled authorised officers Council is unable to fulfill its administration and enforcement responsibilities under relevant legislation as listed in the authorisation.

**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.

**11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

# Instrument of Appointment and Authorisation

In this instrument “officer” means:

## James Maw

by this instrument of appointment and authorisation Campaspe Shire Council (Council):

### PART A

1. under section 224 of the *Local Government Act 1989* – appoints the officer to be an authorised officer for the administration and enforcement of:
  - the *Environment Protection Act 2017*
  - the *Residential Tenancies Act 1997*
  - the *Local Government Act 1989*
  - the *Local Government Act 2020*
  - the *Summary Offences Act 1966*
  - the *Planning and Environment Act 1987*
  - the regulations made under each of those Acts
  - the local laws made under the *Local Government Act 1989* or the *Local Government Act 2020*
  - and any other Act, regulation or local law which relates to the functions and powers of the Council.

### PART B

2. under section 114(2) of the *Environment Protection Act 2017* – appoints the officer to be a litter enforcement officer for the purposes of the *Environment Protection Act 2017*.
3. under section 242(2) of the *Environment Protection Act 2017*– appoints the officer to be an authorised officer for the purposes of the *Environment Protection Act 2017*.
4. under section 525(2) of the *Residential Tenancies Act 1997* – appoints the officer to exercise the powers set out in section 526 of that Act.
5. under s 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under s 71 of the *Housing Act 1983*.
6. under s 3 of the *Infringements Act 2006* – appoints the officer to be an issuing officer for the purposes of the *Infringements Act 2006*.

### PART C

7. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.
8. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument:

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied; or
- (c) remains in force until this appointment and authorisation is revoked on cessation of the officer’s employment with Council.

This instrument is authorised by a resolution of the Campaspe Shire Council on 21 November 2023

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_



## 8.4.8 C23055 - Supply and Delivery or Supply only of Rock and Quarry Materials

**Directorate:** Corporate

**Responsible Officer:** Procurement Coordinator

**Manager:** Contracts and Procurement Manager

**Attachments:** 1. CONFIDENTIAL REDACTED - C23055 Evaluation Panel Report [8.4.8.1 - 4 pages]

### 1. PURPOSE

To provide the necessary information to Council to enable it to consider an award of Contract 23055 – Supply and Delivery or Supply only of Rock and Quarry Materials.

### 2. RECOMMENDATION

**That Council approve:**

- 1. The award of tender C23055 - Supply and Delivery or Supply only of Rock and Quarry Materials to the preferred tenderer as proposed in the confidential attachment to this report for an initial term of three (3) years;**
- 2. The signing by the Chief Executive Officer of any documents which may be required to give effect to this resolution by Council;**
- 3. The Chief Executive Officer's authorisation of any variations within the approved budget for these services;**
- 4. The Chief Executive Officer's authorisation of any further contract term option within the approved budget; and**
- 5. The publishing of the successful tenderer name on Council's website.**

### 3. BACKGROUND

This contract is to supply and load or supply, load and deliver various quarry products as listed in the specification on an "as required" basis to support the ongoing capital and maintenance programs of Council. The appointment will be for a three-year contract period, with 2x1-year options. This tender is being brought to Council for approval as the spend anticipated over the life of the contract is likely to exceed \$1M.

### 4. DISCUSSION

Council has previously tendered for and established a panel of suppliers; however, officers found that due to excessive haulage costs the use of more remote quarry sites was not financially viable. As such, the support for a panel has been discontinued in favour of a single supplier contract and the distance from tenderers' quarry sites has been considered in determining the preferred tenderer.

Note: Provision of quarry products is in addition to those sourced through Council - owned quarries.

A thorough public Request for Tender process was carried out and a preferred supplier identified by the tender evaluation panel, by reference to value for money provided by a schedule of rates for various metrics and product, experience providing similar services and methodology/capability.

The preferred tenderer received the highest weighted overall score and was considered by the panel to be capable of providing the required product in a timely and cost-effective manner, as required by Council.

## **5. CONSULTATION**

### Internal consultation:

- Works Manager
- Manager Operations
- Works Business Support Officer
- Works Supervisor

### Councillors:

- 14 November 2023 Council Briefing Session.

## **6. STRATEGIC ALIGNMENT**

### **Council Plan 2021-2025**

#### **Resilient protected and healthy natural environment**

Well managed resources for a sustainable future

#### **Well planned places**

Land and underlying infrastructure suitable for growing populations  
Ability to travel safely and easily by road and rail

## **7. POLICIES AND RELATED COUNCIL DOCUMENTS**

Procurement Policy 126

## **8. LEGAL AND STATUTORY OBLIGATIONS**

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

Section 109 of the *Local Government Act 2020* (Vic) provides that Council must adhere to its Procurement Policy before entering into a contract for the supply of goods and services.

## **9. FINANCIAL IMPLICATIONS**

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

Officers have completed a robust tender process to arrive at this recommendation.

## **10. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

No impact.

## **11. ISSUES AND RISK MANAGEMENT**

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

## **12. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020* (Vic) requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

No conflicts of interest were declared by any tenderer or Council staff.

## **13. 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.

## **14. 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.

## 8.4.9 Tender - Echuca Aerodrome, Renewal and Upgrade

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Contracts and Procurement Manager
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	1. CONFIDENTIAL REDACTED - C23027 Evaluation Panel Report - Confidential [8.4.9.1 - 3 pages]

### 1. PURPOSE

To provide the necessary information to Council to enable it to consider an award of Contract 23027, Echuca Aerodrome Upgrade Works, to the preferred tenderer.

### 2. RECOMMENDATION

**That Council approve:**

- 1. The award of tender C23027 to the preferred tenderer as proposed in the recommendation section of the confidential attachment to this report.**
- 2. The signing by the Chief Executive Officer of any documents which may be required to give effect to this resolution by Council;**
- 3. The approval by the Chief Executive Officer of a purchase order to the amount proposed by the preferred tenderer in the confidential attachment to this report;**
- 4. The Chief Executive Officer's authorisation of any variations within the approved budget for this project;**
- 5. The publishing of the successful tenderer name and contract sum on Council's website; and**
- 6. Waiver by the Chief Executive Officer of the published Aerodrome Fees for any period as may be considered necessary during the construction stage of this project.**

### 3. BACKGROUND

Council identified a need for the upgrading of mainly airside infrastructure located at Echuca Aerodrome as the existing infrastructure was assessed as having reached the end of its useful (not structural) life. This upgrade will improve access and serviceability for emergency services operators along with other aerodrome user-groups.

Detailed design documentation for the upgrade works was previously completed by Council through the procurement of an external aviation specialist and the design documentation subsequently peer reviewed by another independent specialist.

This project is for the upgrade construction works, which comprise the following:

- Extending and widening the existing Runway 17/35 to the south, to the length required for the larger emergency services aircraft (King Air B350) that are being introduced to the fleet.
- Expanding the existing apron east toward the terminal building.

- Increasing the pavement strength of the runway, taxiway and apron to achieve a minimum PCN Numerical Value of 4.
- Constructing a new helipad for servicing aeromedical rotorcraft.
- Constructing a landside aeromedical shelter to facilitate patient transfer.
- Installing a lighting system that meets current best practice and technology in accordance with Civil Aviation Safety Regulations (CASR) and operational requirements for low intensity lighting systems.

The Project is jointly funded through the Federal Government's Regional Airports Program Round 3 and Council.

The Echuca Aerodrome is a critical asset for the Campaspe and wider region, playing a vital role in servicing emergency and aeromedical needs, some commercial operations and recreational aircraft users. Consultation has been undertaken with all stakeholders and this will continue as the exact details and dates of the intended construction program are established. As a direct consequence of the consultation undertaken, access will be maintained to the grass east-west runway (05/23), and the airside refuelling area to the best extent possible. Council Officers will also continue to work with emergency services to facilitate their needs as best as practicable noting this group of professionals is also developing their own contingency arrangements.

Nominally the construction program will commence in January 2024 and be completed in late June 2024. As the main runway will not be available to users for this period, and access to the other airside assets may not be fully available at different times, it is recommended to Council that the published Aerodrome Fees which would usually be charged, be waived for this period. There is a chance the works will extend beyond June 30 and to accommodate this possibility fees for users will only commence again once the aerodrome works are fully completed and available for use.

#### **4. DISCUSSION**

The sourcing of a preferred contractor for this project involved a two-stage public market approach. A public Expression of Interest process was carried out to determine a shortlist of potential contractors with the requisite experience, resources and capability in projects of a similar size and scale. The evaluation panel applied scoring against predetermined weighted evaluation criteria and the overall scores were calculated to produce a shortlist.

The shortlisted contractors were then invited to submit a tender, with a full draft works program, full methodology and a lump sum price (with full pricing breakdown). This report relates to that second-stage tender process.

The evaluation panel conducted a very thorough assessment process and final weighted scores identified a preferred contractor. The preferred tenderer provided confidence for the tender evaluation panel that the work required under this contract would be carried out to the required standard, within budget and within the required timeframe.

#### **5. CONSULTATION**

##### Internal consultation:

- Manager Major Projects
- Procurement Coordinator

##### External consultation:

- JJ Ryan Consulting Pty Ltd
- Rehbein Airport Consulting
- Aerodrome users (various)
- Emergency Services including Echuca Regional Health



Councillors:

- 14 November 2023 Council Briefing Session.

## 6. STRATEGIC ALIGNMENT

### Council Plan 2021-2025

#### Resilient protected and healthy natural environment

Well managed resources for a sustainable future

#### Well planned places

Land and underlying infrastructure suitable for growing populations

## 7. POLICIES AND RELATED COUNCIL DOCUMENTS

Procurement Policy 126

## 8. LEGAL AND STATUTORY OBLIGATIONS

Section 9(2)(a) of the *Local Government Act 2020* (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

Section 109 of the *Local Government Act 2020* (Vic) provides that Council must adhere to its Procurement Policy before entering into a contract for the supply of goods and services.

## 9. FINANCIAL IMPLICATIONS

Section 9(2)(g) of the *Local Government Act 2020* (Vic) provides that the ongoing financial viability of the Council is to be ensured.

The proposed contract sum is within the approved budget for this project.

## 10. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS

This project may provide both direct and indirect benefits for the local economy, with opportunities for use of local subcontractors and local procurement of materials where possible.

## 11. ISSUES AND RISK MANAGEMENT

### Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Delay to completion	Possible	Moderate	Moderate	Effective management of contract hold points. Potential impacts to ability to complete in time were identified during the tender process and mitigation actions discussed.
Financial Variations	Possible	Moderate	Moderate	Potential impacts to the overall contract sum were identified during the tender process and mitigation actions discussed. Effective project and contract management will help to

				minimise variations and ensure that any variations are justified in the particular circumstances.
Poor workmanship	Unlikely	Moderate	Moderate	References and previous projects were detailed in the tender submission. The defects liability period ensures rectification of any known issues within 12 months of practical completion.
OH&S issues	Rare	Moderate	Low	The contractor will be registered with Linksafe (Council's compliance system) with all insurances up to date. The Contractor's OH&S/safe work standards were assessed at the time of tender and are required to be strictly enforced.

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.

## 12. CONFLICT OF INTEREST

Section 130 of the *Local Government Act 2020 (Vic)* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

## 13. 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.

## 14. 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 existing policy or strategy previously adopted by Council.

## 8.5 Infrastructure

### 8.5.1 Community Leasing Policy

**Directorate:** Infrastructure

**Responsible Officer:** Property Manager

**Manager:** Director Infrastructure

**Attachments:**

1. 161 Leases for Local Community Organisations and Artisans [8.5.1.1 - 4 pages]
2. Community Leasing Policy Draft 27 October 2023 (1) [8.5.1.2 - 3 pages]
3. Application for Community Lease or Licence Draft [8.5.1.3 - 3 pages]
4. Annual Fees and Charges (1) [8.5.1.4 - 1 page]

#### 1. PURPOSE

To seek Council approval of the Community Leasing Policy to be reflective of internal and external user feedback for a simplified user-friendly approach to leasing Council owned and managed properties, and adopt an erratum to the annual community leasing fees.

#### 2. RECOMMENDATION

**That Council:**

1. **Adopt the updated Community Leasing Policy**
2. **Adopt an Erratum to Council Annual 2023/24 budget for Community Leasing Fees and Charges, at Attachment 8.7.1.4**
3. **Note the process to be used by officers, to assess eligibility to the Community Leasing Policy through an application form.**

#### 3. DISCUSSION

In line with the principles of good governance and the policies of Department of Energy, Environment and Climate Action (DEECA), all groups, organisations or individuals occupying facilities and properties that are either owned or managed on behalf of the Crown by Council must have formal arrangements in place. The same governance principles should equally apply to Council owned freehold land.

Due to the varied nature of assets used by Community groups and organisations and individuals there is a need for a simplified approach for community leasing, along with the inclusion of New Starters/Entrepreneurs and Creative Practitioners in the policy, to enable greater access to community members along with assisting Council with higher occupancy rates.

Feedback from the Council briefing session 26 September and 14 November has been taken into consideration, and a copy of the operational assessment form officers will use in assessing a new application is attached at 8.7.1.3. The assessment form ensures policy principles and eligibility requirements are met, along with inclusion of a risk management assessment. Operational process will require officers to complete an assessment for all new lease applications, prior to offering a community lease.

Further amendments were made as requested from briefing session, to remove the financial turnover threshold for eligibility under the policy, and exclusion for electronic gaming machines.

#### **4. CONSULTATION**

##### Internal consultation:

- Manager Active Communities
- Manager Community Services
- Executive Leadership Team

##### External consultation:

- Nil

##### Councillors:

- 26 September 2023 Council Briefing Session
- 14 November 2023 Council Briefing Session

#### **5. STRATEGIC ALIGNMENT**

##### **Council Plan 2021-2025**

Resilient protected and healthy natural environment. Well managed resources for a sustainable future. Council will manage occupancies of buildings through formal agreements and provide fit for purpose facilities to the community.

Growing quality of life. Communities have a say on local infrastructure and attractions that stimulate engagement and activity. The Community Leasing applies across the shire, and is open for all community members and organisations, through an application process. Occupants will offer activation to Council properties and offer services that are of benefit to the community.

##### Enablers

##### Property management

Council service managers lead and manage the relationship with occupants, and prospective occupants of council properties for their relevant service area, working in conjunction with the property team to reach formal occupancy agreements and ensure compliance with property legislation and guidelines.

#### **6. POLICIES AND RELATED COUNCIL DOCUMENTS**

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no Council Policy and relevant law has been identified within this report

## **7. LEGAL AND STATUTORY OBLIGATIONS**

Council must follow the Crown Land Reserves Act, when leasing Crown Land, and the DEECA leasing guidelines, along with compliance with other relevant leasing legislation such as the Land Act and the Retail Leases Act where applicable.

## **8. FINANCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no issues of ongoing financial viability of the Council have been identified within this report.

## **9. ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPLICATIONS**

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no economic, social and environmental implications for the municipality have been identified with this report

## **10. ISSUES AND RISK MANAGEMENT**

### **Issues:**

#### **Issue 1:**

An anomaly in the adopted fees and charges for Community Leasing was identified in Council briefing session. Fees proposed and entered by officers did not make it into the final adopted 2023/2024 annual budget. An erratum to annual fees and charges is required to rectify, for transparency to the community for peppercorn rent. Attachment 8.7.1.4 identifies the current fees and charges and the proposed fees and charges to be amended.

### **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.

## **11. CONFLICT OF INTEREST**

Section 130 of the *Local Government Act 2020 (Vic)* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council Meeting.

The officer preparing this report has declared no conflict of interest in this matter.

## **12. 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*.

## **13. 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.

# Leases for Local Community Organisations and Artisans



<b>Council Policy Number</b>	<b>161</b>
Date adopted	20 April 2022
Scheduled for review	April 2025

## 1. Preamble

Council recognises the role that community organisations and Artisans provide by their activation of Council owned and managed facilities. This policy provides a framework for delegated Officers to negotiate sustainable arrangements between Council and these groups for the use of its facilities.

## 2. Purpose

To provide transparent, consistent and impartial processes when leasing and licencing, the Council owned and managed land and buildings with local community organisations (including not-for-profit) and artisans. Ensure compliance with legislative requirements.

## 3. Definitions

Annual Turnover	Community Organisations total revenue received inclusive of GST for services and activities undertaken by the organisations within a financial year.  Artisans total revenue received inclusive of GST for the derived services and activities undertaken by the Artisan, within a financial year.
Artisan	Is a craftsperson or craft worker, handicrafts worker, artist, demonstrator, performer or presenter
Casual Hire Agreement	A user agreement to hire property (or part thereof) for a period of up to one (1) day to three (3) months. A hire agreement does not permit exclusive occupancy of the property. Is a short-term arrangement.
Community Organisation	means a body or organisation that:  is defined in S76AA of Local Government Act 1989 as a Not for Profit Organisation  a) operates exclusively for charitable, civil or other social purposes;  b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation;
Contents	possessions and furnishings such as curtains, furniture, crockery,

Council Policy

Council Policy

Council Policy

Council Policy

Cost of insurance	white goods, televisions, computers, electrical appliances, clothing, sporting equipment. Contents do not include items permanently attached to the building or asset such as kitchen cupboards, windows, doors.
Crown Land	As defined in the Crown Land (Reserves) Act 1978
Lease	A lease is a right granted by the owner of the property (Landlord) to another person (Tenant) to have exclusive possession of that property, or part thereof, for a fixed duration in return for rental payment. Council will grant a lease where the premises will be occupied exclusively.
Outgoings	These are charges including Rates, Fire Services levy, Municipal charges, Electricity, Water and Gas
Peppercorn	An amount that is insignificant. Minimum charge of \$100 + GST per annum, and where Crown Land the peppercorn minimum fee will be determined by the Department of Environment Land Water and Planning.
Site Specific	A specific location of Council owned or managed property, identified by street address, title or lot and plan details

Council Policy

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#### 4. Policy Statement

This policy is applicable to Council owned and occupied land and buildings and where Council acts as the Committee of Management on Crown Land. To ensure each Council owned facility has a formal agreement in place, however through this process, enabling local community organisations or artisans an appropriate level of access at a cost point that is sustainable for both Council and the community organisation.

Community organisations and artisans that are identified as providing significant community benefits may be offered a "peppercorn" lease or licence agreement or a casual hire agreement for a nominal fee in accordance with Council annual fees and charges on applicable buildings.

**Community organisations** must complete an application form that demonstrates they provide community benefits under at least one the following categories:

- Health and Wellbeing
- Social Connectedness
- Economic Support for disadvantaged communities
- Improved Access and Inclusion
- Cultural and Historical Development
- Support to the Environment and must
- Delivery of funded kindergarten programs

To qualify under this policy Community organisations must:

- Fall under an annual threshold of \$500,000 inclusive of GST turnover per annum. If turnover is greater, they will not be eligible under this policy and will be required to enter an arrangement as per Council Policy 110 Commercial Leasing.

To secure a community lease Artisans must demonstrate that their trade meets definition of artisan.

Council may request proof of an Artisan's annual turnover. Artisans who facilitate activities that generate an annual turnover of \$150,000 inclusive of GST or more will not be eligible under this policy and will be required to enter an arrangement as per Council Policy 110 Commercial Leasing.

**Community organisations** will be required to enter into a formal agreement with a maximum term up to nine years and to establish terms and conditions of occupying the property, the aim however is not to establish a commercial rental return.

**Artisans** will be required to enter into an agreement, with a maximum term of three years. Renewals may be offered if Council considers the arrangement beneficial and will be renegotiated at the completion of the term.

In establishing the formal agreement, Council will agree to absorb the legal costs incurred by Council. However, the following costs will be incurred by the tenant:

**Charges and requirements for all tenants:**

- Rental/Hire fee as set out in Council's annual schedule of fees
  - Public liability insurance required for all tenants
- Note: Council may accept insurance cover held through an association or alternatively for artisans they may purchase insurance coverage for a nominal fee in accordance with Council's annual fees and charges for coverage under Council's insurance policy*
- Council Municipal charge, Rates and Fire Services Levy when occupation is for three months or more
  - Waste Management charges associated with the property
  - Independent legal advice

To be aware of and meet their responsibilities when accessing Council's building insurance:

- That only Council owned contents are insured.
- Tenants may be liable for payment of any claim excess should an insurance claim be made.
- Administration of the Insurance Asset Register for Council building insurance coverage, claims lodgment and management remains the responsibility of Council in conjunction with its insurers.
- Adhere to Council building inspection and reporting requirements and provide the necessary information in relation to any building damage and insurance claims.

Community organisations can apply for exemption from Council rates as per Council Policy 134 Rates and Charges. Artisans falling under the policy will be exempt from paying Council Municipal charge, Rates and Fire Service Levy. The agreed rental fee will cover the cost of utilities for the property if it is deemed there will be minimal use, or alternative arrangements made between the parties, inclusive of reimbursement to Council or direct billing from service providers for utility charges where applicable.

Community organisations or artisans who wish to sub-lease must seek approval from Council prior to entering any sub-lease arrangement in accordance with their lease. If agreed by Council, all revenue gained through a sub-lease arrangement must be used either through investment in the maintenance of the facility or as agreed by Council, for programs, or services that benefit the community. As part of the lease agreement Community organisations or artisans are required to recognise Council's contribution.

Council officers will prepare a CEO delegation form for approval of a "Peppercorn Lease" and include a copy of the Community Group/Artisan completed application form.

All tenants eligible for a community lease and or licence will be exempt from paying building insurance.



**5. Exclusions**

This policy does not cover:

- Community organisations (including not for profit) that have an annual turnover in excess of \$500,000 (inc GST) or Artisans that have an annual turnover in excess of \$150,000 (inc GST).
- A site-specific resolution of Council.

**6. Human Rights**

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

**7. Related Legislation**

*Crown Land (Reserves) Act 1978*

*Local Government Act 2020*

*Land Act 1958*

*Retail Leases Act 2003*

**8. Related Policies, Procedures and Strategies**

Council Policy 110 – Commercial Leasing Council

Policy 134 - Rates and Charges

Internal Policy INT129 - Council Building and Contents Insurance

**9. Attachments**

Nil attachments.

**10. Review Period**

Three years

**Responsible officer**

Manager Community Development  
Manager Projects & Facilities

**11. Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

**12. Approval History**

Adopted	8 August 2018	Executive Management Group
Revised	20 August 2019	Minute Book Reference No 3048 (Item 7.2)
Revised	1 March 2021	Administrative update to apply consistent reference to Campaspe Shire Council ('Council')
Revised	20 April 2022	Minute Book Reference No (Item 9.2)

Chief Executive Officer: .....



Date: ..... 26 APRIL 2022 .....

# Community Leasing Policy



Council Policy

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## 1. Purpose

The purpose of this policy is to provide transparent, consistent, and impartial processes when leasing and licensing Council owned and managed land and buildings with community members and to ensure compliance with legislative requirements.

Council recognises the role that the community provides by their activation of Council owned and managed facilities. This policy provides a framework for Officers to negotiate sustainable arrangements between Council and community members for use of its facilities.

## 2. Scope

This policy is applicable to Council owned and occupied land and buildings and where Council acts as the Committee of Management on Crown Land.

This policy applies to the Community, Councillors and employees (including full time, part time, casual employees, agency staff and students), and Community Asset Committees created under Section 65 of the Act. The policy is also applied in the management of contractors, volunteer groups, and consultants of Campaspe Shire Council.

## 3. Policy Statement

Council is committed to ensure each occupant of a Council owned facility has a formal agreement in place, enabling the Community capacity to occupy Council buildings at an appropriate level of access at a cost point that is sustainable for both Council and the occupant.

To support this commitment community members that meet the eligibility criteria of the policy may be offered a "peppercorn" lease or licence agreement or a casual hire agreement for a nominal fee in accordance with Council annual fees and charges on applicable properties. This supports Council's vision by achieving maximum benefit from its community property portfolio.

## 4. Principles

The principles supporting this policy are:

1. Equity and Community Activation
2. Health and Wellbeing
3. Connected Communities
4. Opportunity for Access and Inclusion
5. Creative and Cultural Heritage Development
6. Sustainable Environment

## 5. Eligibility

Community Groups and Organisations must demonstrate they meet the definition provided in the policy and may enter into a formal agreement with a maximum term of up to nine years.

Kindergarten providers, where the provider is solely delivering State-funded three-and four-year-old kindergarten programs (ie. no additional fee for service for early years' service is offered) from Council owned or managed sites for the benefit of the community, regardless of the commercial status and entity type may enter a formal agreement with a maximum term of up to nine years.

New Starter/Entrepreneurs or Creative Practitioners must demonstrate they meet the definition provided in the policy and may enter into a formal agreement, with a maximum term of up to three years.

Where multiple parties may be interested in the same property, and a shared arrangement cannot be reached, officers will conduct an expression of interest, for exclusive or shared use of the property.

## 6. Exclusions

This policy does not apply to:

- Council owned or managed properties where operation of electronic gaming machines is proposed
- A site-specific resolution of Council.

## 7. Human Rights

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

## 8. Definitions

Terms and definitions used in this policy include:

Term	Details
Annual Turnover	Community Groups/Organisations total revenue received inclusive of GST for services and activities undertaken by the organisations within a financial year. New Starters/Entrepreneurs and Creative Practitioners total revenue received inclusive of GST for the derived services and activities undertaken by the practitioner, within a financial year.
Casual Hire Agreement	A user agreement to hire property (or part thereof) for a period of up to one (1) day to three (3) months. A hire agreement does not permit exclusive occupancy of the property. Is a short-term arrangement.
Community Group	A local Community club or group, incorporated under the Associations Incorporation Reform Act 2012 and operating for the benefit of the local community as a not-for-profit entity.
Community Organisation	means a body or organisation that: is defined in the Local Government Act 2020 as a Not for Profit Organisation a) operates exclusively for charitable, civil or other social purposes; b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation;
Creative Practitioner	Is a creative, craftsperson, artist, musician, cinematographer, demonstrator, artisan, performer, photographer or presenter.
Crown Land	As defined in the Crown Land (Reserves) Act 1978
Lease	A lease is a right granted by the owner of the property (Landlord) to another person (Tenant) to have exclusive possession of that property, or part thereof, for a fixed duration in return for rental payment.
Licence	A licence permits a person (Licensee) to occupy property (or part thereof) under particular conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the property. Generally for a short term.
New Starter/Entrepreneur	Is an individual or legal entity, that can demonstrate they are an entrepreneur or new start up commencing in business, (no more than 12 months old) or have recently moved to the Shire (in last 6 months), or are looking to move to the Shire (in the next 6 months), and committed to build and grow the business within the Shire.
Peppercorn	An amount that is insignificant. Minimum charge per annum is set in accordance with Council annual fees and charges and where Crown Land the peppercorn minimum fee will be determined by the Department of Environment, Energy and Climate Action (DEECA).
Service Manager	The relevant Council officer who manages the relationship with the existing or prospective tenants or landlords. The Service Manager is responsible for the management and delivery of the Council service offered or connected to the property.
Site Specific	A specific location of Council owned or managed property, identified by street address, title or lot and plan details.

## 9. Acknowledgements

### 9.1. Traditional Owners

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 emerging leaders as the Traditional Owners of this country. We acknowledge their living culture and their unique role in the life of this region.

### Policy Information

<b>Document Number:</b>	<b>ECM Number when finalised</b>		
<b>Document Type:</b>	Council Policy		
<b>Document Status:</b>	Under Review		
<b>Policy Owner (by position):</b>	Property Manager		
<b>Internal Endorsement Required:</b>	Not applicable		
<b>Final Approval By:</b>	Council		
<b>Date Approved:</b>	Click or tap to enter a date.		
<b>Evidence of Approval:</b>	Minutes dated: Click or tap to enter a date.		
<b>Version</b>	1	<b>Frequency of Review</b>	4 Years
<b>Review Date:</b>	21/11/2027		
<b>Related Legislation:</b>	Local Government Act 2020 Victorian Charter of Human Rights and Responsibilities Act 2006 Gender Equality Act 2020 Victorian Disability Act 2020 Crown Land (Reserves) Act 1978 Local Government Act 2020 Land Act 1958 Retail Leases Act 2003		
<b>Related Strategic Documents, Policies, or Procedures</b>	Council Plan 2021-2025 Council Policy Commercial Leasing Council Policy Rates and Charges Council Policy Contribution to Recreation Reserve Maintenance Council Policy Recreation Fees and Charges Council Policy Competitive Neutrality Internal Policy Council Building and Contents Insurance Community Leasing Guideline		
<b>Attachments:</b>	Nil		
<b>Date Rescinded:</b>	Not Applicable <input checked="" type="checkbox"/>		

<b>Approval History: Date:</b>	<b>Reason for review</b>
08/08/2018	Adopted Executive Management Group
20/08/2019	Revised Minute Book Reference No 3048 (Item 7.2)
01/03/2021	Revised Administrative update to apply consistent reference to Campaspe Shire Council ('Council')
20/04/2022	Revised Minute Book Reference No (Item 9.2)
TBC/2023	Review of current policy is driven by user feedback, providing affordability and access to community when leasing Council properties.

**Currency:** Documents are amended from time to time; therefore, you should not rely on a printed copy being the current version. Please consult the Campaspe Shire Council website to ensure that the version you are using is up to date. This document is available in alternative formats (e.g. larger font) if requested.

## Assessment form Community Leasing



Section 1 Applicant Details	
Name of Organisation / Individual	
ABN/ACN/Inc. Association No. if applicable:	
Applicant registered address:	
Does the applicant hold a public liability insurance policy to the value of \$10,000,000	<input type="checkbox"/> Yes <input type="checkbox"/> No, will require the purchase of Council public liability insurance. Please attach evidence
Please provide a summary of the proposal of activities and or services (max 500 words) to be conducted in a Council property	
Section 2: Proposed Location and agreement type	
Name of Building	
Building address	
What is the desired occupancy timeframe sought?	Short term Hire (0-3 months) Short term (3-12 months) Longer term (12 months +)
Is the applicant requesting exclusive use of the site? If not, what part of the building is required?	

Section 3 Use of the site and Community benefit				
What is the proposed use of the building/location?				
Does the proposed activity meet one or more of the following policy principles of the Community Leasing Policy?  (Please tick multiple if applicable)		<input type="checkbox"/> Equity and Community Activation <input type="checkbox"/> Health and Wellbeing <input type="checkbox"/> Connected Communities <input type="checkbox"/> Opportunity for Access and Inclusion <input type="checkbox"/> Creative and Cultural Heritage Development <input type="checkbox"/> Sustainable Environment <input type="checkbox"/> New Starter / Entrepreneur <input type="checkbox"/> Delivery of kindergarten programs in accordance with Council policy		
Please clearly explain how the proposed activity/ies meet the ticked principles.				
Does the proposed activity include or support any of the following?  (Please tick multiple if applicable)		<input type="checkbox"/> People with a Disability <input type="checkbox"/> Youth <input type="checkbox"/> LGBTIQ+ Community <input type="checkbox"/> Women <input type="checkbox"/> Aboriginal and or Torres Strait Islanders <input type="checkbox"/> Socially Disadvantaged <input type="checkbox"/> Culturally Diverse community <input type="checkbox"/> Older people <input type="checkbox"/> People with Mental Illness <input checked="" type="checkbox"/> New Starter / Entrepreneur <input type="checkbox"/> Delivery of kindergarten programs in accordance with Council policy		
Please clearly explain how the proposed activity/ies supports the ticked groups of priority.				
Section 4. Risk				
Are there multiple parties interested in occupying the property?		<input type="checkbox"/> Yes, a shared arrangement will be facilitated. <input type="checkbox"/> Yes, an Expression of Interest to Lease will be conducted. <input type="checkbox"/> No		
Risk	Likelihood	Consequence	Rating	Mitigation Action

## Assessment form Community Leasing

Section 5. Approval			
Date request received			
Approved Tenancy Agreement	<input type="checkbox"/> Hire Agreement <input type="checkbox"/> Lease <input type="checkbox"/> Licence Agreement <input type="checkbox"/> Management Agreement		
Assessed by Officer/s Name	Position	Score	Date
1.			
2.			
3.			
Director approval			
Date			
Recorded in ECM (Doc set ID)			

Scoring Rationale	Score
<b>High Standard:</b> The submission exceeds the intention of the policy principles in some or all respects and reflects alignment with Council, State or Federal strategies. The supporting information is comprehensive and complete.	5
<b>Good Standard:</b> The submission satisfies the policy principles in some respects and shows some alignment with Local, State or Federal strategies. The supporting information is reasonable and complete.	4
<b>Acceptable Standard:</b> The submission is of an acceptable standard, with only minor deficiencies and shortcomings in the detail of the supporting information and alignment with the policy principles and Local, State or Federal Strategies.	3
<b>Sub Standard:</b> The submission does not meet the policy principles does not clearly demonstrate alignment with Local, State or Federal Strategies.	2
<b>Poor Standard:</b> The submission does not meet the policy principles and does not demonstrate alignment with Local, State or Federal Strategies.	1
<b>Non-conforming:</b> Ineligible. Does not comply with the guiding principles.	0

**Current Annual Fees and Charges 2023/24 Budget**

<b>Community Lease/ Cultural Practitioner Agreements for Council Properties</b>				
Lease cost will be determined on application by the relevant Manager.				

**Erratum****Proposed Annual Fees and Charges 2023/2024**

<b>Community Lease of Council Properties</b>					
Minimum rental (Peppercorn) charge per annum from	Taxable	\$100.00	\$100.00	\$100.00	0.00%
<b>Casual Hire Fees</b>					
Facility hire 1 to 3 days (per period)	Taxable	\$5.00	\$5.00	\$10.00	100.00%
Facility hire 4 to 7 days	Taxable	\$10.00	\$10.00	\$15.00	50.00%
Facility hire 7 to 14 day	Taxable	\$15.00	\$15.00	\$20.00	33.33%
Facility hire 14 to 21 days	Taxable	\$20.00	\$20.00	\$25.00	25.00%
Facility hire up to 3 months	Taxable	\$25.00	\$25.00	\$50.00	100.00%
Facility hire 3 months and over - licence agreement to be negotiated with Council	Taxable	to be negotiated with Council	to be negotiated with Council	to be negotiated with Council	



## 8.6 Council Information

### 8.6.1 Notes of Appreciation

<b>Directorate:</b>	Office of the CEO
<b>Responsible Officer:</b>	Office of the CEO Support Officer
<b>Manager:</b>	CEO Executive Officer

#### 1. PURPOSE

To present the notes of appreciation that Council has received since its last meeting.

#### 2. RECOMMENDATION

**That Council acknowledge the notes of appreciation as listed and convey this appreciation to the relevant parties.**

#### 1. Ceilia Cass, Maternal Childhood Health Nurse

*“Thank you (Melissa) so much for organising my wonderful week of placement with your Maternal Childhood Health Nurses team. I really enjoyed it and gained a lot from their years of experience”.*

*“Please convey my gratitude to Jen, Kendal and Kim also”.*

#### 2. Anonymous

*“I would like to take this opportunity to congratulate you and your group for taking a stand against the Murray Darling Basin Buyback scheme. I have said since the introduction of the Water Buy Back that the future would reduce our Food Production.*

*Once again well done and stay very strong.”*

#### 3. Aaron Waters Conveyancing

*“I just wanted to reach-out and say thank you, and to give you a little recognition for your work. I have received two Land Information Statements recently within a short timeframe. The flow-on effect this has for me and my business to finalise Contract documents early to facilitate people selling (and buying) properties in our community, is immeasurable. It’s really energising. Our daily grind (our purpose) is one piece of the puzzle that allows the people in our community to move forward in their lives.*

*We often don’t contemplate the full effect our contribution has on an individual, our community or society at large. We rarely meet the people face-to-face that we ultimately help (merely by doing our job). But your contribution might just bring the happiness to a first home buyer purchasing his or her first home, help a family upsize their home to accommodate an expanding family (or downsize after the death of a loved one), or maybe even help someone quickly moveout of a toxic home environment.”*

#### 4. Anonymous

Thanks to the crew responsible for the grading of Axedale-Toolleen Road.

**5. Sarah Anderson, Echuca**

*“Just wanted to let you know how much my husband and son liked listening to Shane Jacobson last night. They had a great time. Thanks for bringing him to Echuca.”*

**6. Marilyn & Hansie Jacksh**

*Please thank your Council for its generous offer of free tickets to Shane Jacobsen’s very entertaining talk.*

*One of the highlights was the revelation that the daughter of the couple he was mentioning in his talk, was in the audience.*

*He will remember Echuca favourably for a long while!*

**7. Leah Taaffe, Community Living and Respite Services**

*“Thank you to the Campaspe Shire Council for being a supporter of Johnn’s Run 2023. Without your support it is not possible to hold this community event”*

**8. Bev Werner**

*“Thanks Campaspe Shire Council for mowing the old South School grounds. It looks so much safer and nicer”.*

**9. Anonymous**

*“We wish to thank you for the delivery of mulch and also wish to extend our gratitude and compliments to all the workers who are doing a wonderful job keeping the grass mown and the entrances, looking neat and tidy.”*

## **9 Notices of Motion**

## **10 Urgent Business**

## **11 Confidential Business**

## **12 Close Meeting**

Pauline Gordon

Chief Executive Officer