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Minutes



Minutes of the open section of the seventh Campaspe Shire Council virtual meeting held on Tuesday, 15 September 2020, commencing at 5:01pm.

Present

Councillors	Officers
Remotely: Cr Adrian Weston (Mayor) Cr Vicki Neele (Deputy Mayor) Cr Daniel Mackrell Cr Kristen Munro Cr Neil Pankhurst Cr Leanne Pentreath Cr Annie Vickers Cr Leigh Wilson Cr John Zobec	Remotely: Declan Moore – Chief Executive Officer Fleur Cousins – General Manager Corporate Jason Deller – General Manager Infrastructure Paul McKenzie – General Manager Development Keith Oberin – General Manager Community Sharolyn Taylor – Council Support Officer

Business

1. Apologies and Requests for Leave of Absences

Apologies

Nil

Requests for Leave of Absence

Nil

2. Confirmation of Minutes and Attachments

Minutes for the following:

- Campaspe Council Meeting held on 18 August 2020
- Campaspe Briefing Session held on 4 August 2020
- Campaspe Briefing Session held on 11 August 2020
- Campaspe Briefing Session held on 18 August 2020

COUNCILLORS MUNRO /MACKRELL

That the following minutes be confirmed:

- **Campaspe Council Meeting held on 18 August 2020**
- **Campaspe Briefing Session held on 4 August 2020**
- **Campaspe Briefing Session held on 11 August 2020**
- **Campaspe Briefing Session held on 18 August 2020**

CARRIED

3. Changes to the Order of Business

COUNCILLORS WILSON/PANKHURST

That item 13.1 be considered immediately after item 4 to enable the speaker to be heard at the start of the meeting.

CARRIED

4. Declaration of Interests

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

Local Government Act 1989 Section 79

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

Cr Pentreath declared an indirect conflict of interest by way of close association in confidential item 16.7.

13. Petitions and Letters

13.1. Petition Response - Rear Access to Properties on Illawarra Drive and Wallinga Court Echuca

Mr Max Prendergast addressed Council in relation to item 13.1

Author:

Paul McKenzie, General Manager Development

Responsible Manager:

Chief Executive Officer

Attachments:

4.1 Petition from Illawarra Drive and Wallinga Court residents regards rear access to properties

1. Purpose

To provide a response to the residents of Illawarra Drive and Wallinga Court Residents regards their petition to 'allow continued rear access' to their properties from the Murray Valley Highway.

2. Recommendation

That Council:

1. Acknowledge that residents of Illawarra Drive and Wallinga Court may not have been aware that rear access to their property was not permitted, however, notes that this activity has not been permitted due to the inherent risk to safety posed through uncontrolled access to a highway and the potential damage to infrastructure and services in the road reserve.
2. Note that there has been minimal contact made with officers to discuss the enforcement letter sent and any options that might have been available to them (except by those who have applied for a planning permit or sought an extension to apply) and encourages all affected residents to make contact directly with the Planning Department to discuss their own individual circumstances.
3. Write to the first named petitioner advising of Council's decision in this matter.

COUNCILLOR PENTREATH

That Council:

1. **Acknowledge that residents of Illawarra Drive and Wallinga Court may not have been aware that rear access to their property was not permitted, however, notes that this activity has not been permitted due to the inherent risk to safety posed through uncontrolled access to a highway and the potential damage to infrastructure and services in the road reserve.**
2. **Note that there has been minimal contact made with officers to discuss the enforcement letter sent and any options that might have been available to them (except by those who have applied for a planning permit or sought an extension to apply) and encourages all affected residents to**

make contact directly with the Planning Department to discuss their own individual circumstances.

3. Write to the first named petitioner advising of Council's decision in this matter.
4. Residents at Illawarra Drive and Wallinga Court have until 30 December 2020 to comply with the request.

Cr Mayor declined to accept point 4 of Cr Pentreath's motion upon advice from the Administration

Cr Pentreath withdrew the motion

COUNCILLORS WILSON / PANKHURST

That Council:

1. Acknowledge that residents of Illawarra Drive and Wallinga Court may not have been aware that rear access to their property was not permitted, however, notes that this activity has not been permitted due to the inherent risk to safety posed through uncontrolled access to a highway and the potential damage to infrastructure and services in the road reserve.
2. Note that there has been minimal contact made with officers to discuss the enforcement letter sent and any options that might have been available to them (except by those who have applied for a planning permit or sought an extension to apply) and encourages all affected residents to make contact directly with the Planning Department to discuss their own individual circumstances.
3. Write to the first named petitioner advising of Council's decision in this matter.

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

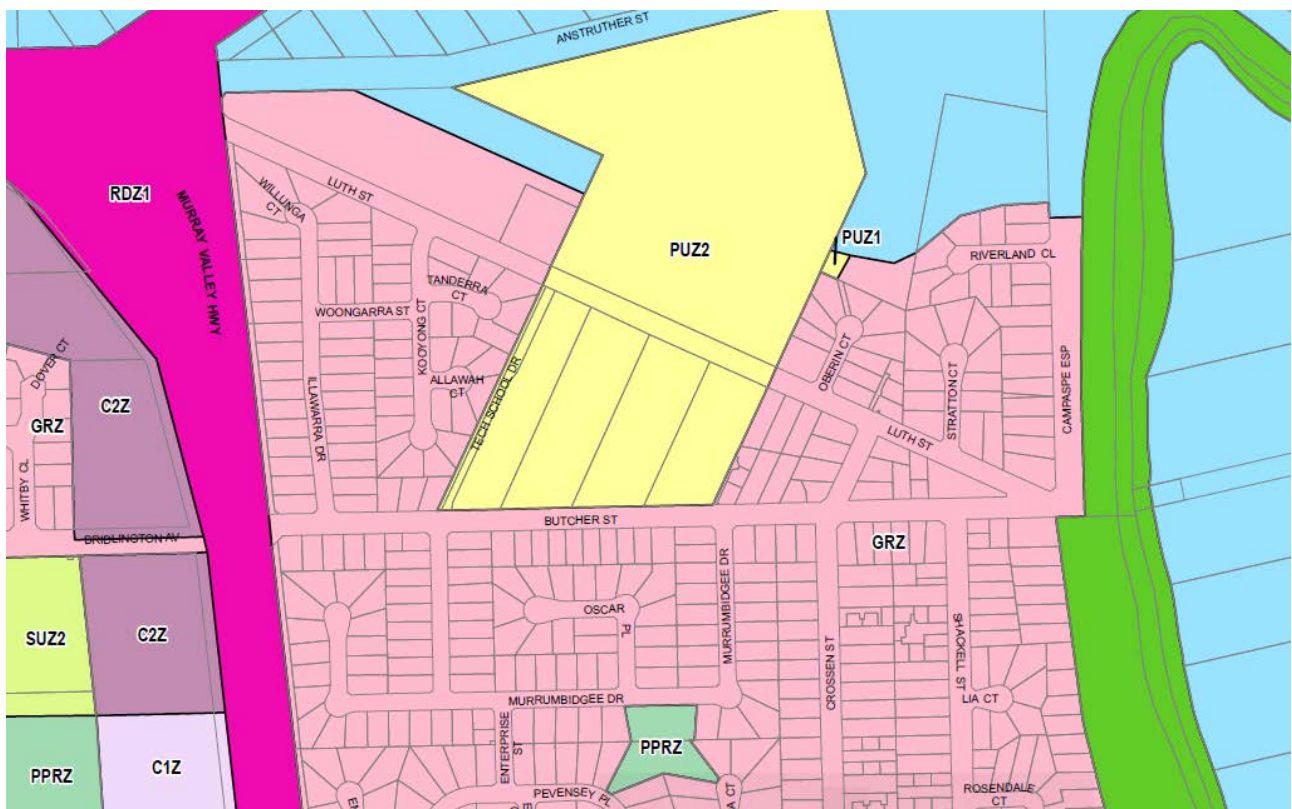
In early July of 2020 a complaint was received that vehicles had been observed parking at the rear of properties along the Murray Valley Highway Road Reserve. An inspection revealed that a number of properties backing onto the Murray Valley Highway from Warren St through to Ogilvie Avenue had installed gates in their fences to provide rear access from their properties. It was clear from the amount of vehicles parking in the road reserve

abutting the fence and from the tracks across the road reserve, that vehicles were frequently accessing the Murray Valley Highway.

The area defined by dark pink in the map below marked RDZ1 (Road Zone Category 1) contains the Murray Valley Highway and requires a planning permit to alter or make an access point to the road. This is due to these roads having been determined to be of major importance to the road network, linking major population centres, carrying high volumes of traffic (often at high speeds) and heavy vehicles.

These roads are not part of the local road network and are the responsibility of Department of Transport (formerly VicRoads). Accessing these roads is inherently more dangerous than a local road and, as a result, a permit is required involving a referral to the road authority i.e. the Department of Transport.

In between the residential properties and the Murray Valley Highway (RDZ1) is a Reserve, vested in favour of Council. The reserve was included in the original plans of subdivision which created the estates to prevent access to the RDZ1. The reserve contains landscaping in parts which was again to prevent access. Some landscaping appears to have been removed over time.



A letter was sent on 23 July 2020 to all properties that back onto the Murray Valley Highway indicating that it was illegal to have access from the rear of their property onto the Highway without a valid permit.

Owners with gates accessing the Murray Valley Highway were asked to remove access or apply for a planning permit (letter attached). In the event that they were unable to comply with the requirements, they were to contact the Planning Department to discuss how they might comply with the planning requirements.

7. Content

The growing population in the West of Echuca has seen a number of developments occur along or close to Northern Highway, which abut the rear of the Illawarra Drive and Wallinga Court. These developments have seen a considerable increase in the traffic by vehicle, bicycle and pedestrian. Changes include the introduction of traffic lights at Bridlington Ave/Northern Highway, construction of the Twin Rivers School as well as walking and cycling paths along Warren Street connecting to the schools via the Northern Highway to Bridlington Ave and to the Aged Care facility on Wharparilla Road.

The opening of Warren St and the new roundabout further increased use of this area and it is expected that traffic will continue to increase once the new bridge into NSW is complete. Residential development is continuing to the west and it is expected that up to 5,000 new houses will be constructed over the next 20 -30 years. A supermarket and shops have been approved on the western side of the Murray Valley Highway between Bridlington Avenue and Ogilvie Avenue and a service station permit application a little further to the north is currently before VCAT.

The level of development will drive a substantial increase in traffic volumes along the Murray Valley Highway and access from the west will be from yet to be developed side roads. It is imperative from a safety perspective that access to the Highway is controlled and orderly. Uncontrolled access to the Murray Valley Highway from residents on the eastern side of the road is not consistent with requirements of the zone and poses an increasing safety issue as traffic volumes increase.

The road reserve also contains a variety of infrastructure that has the potential to be damaged by vehicles making their way to the roadside. In the area between Warren St and Butcher Street there is a walking and cycling track. Constant vehicular crossing of the track is not within its design specifications and will lead to failure of the path before its expected life is reached.

Council is obliged to enforce the requirements of the planning scheme as well as to fulfil its responsibilities under the Road Management Act, which also prohibits the unauthorised access to a Road Zone Category 1.

Enforcement is conducted in line with Council's adopted process; Compliance 11. Officers have acted appropriately and in line with Compliance 11 having sent a letter alerting residents, with illegal access, of their options.

Residents were given 30 days to rectify the situation, make a planning permit application or contact Officers to discuss. A further letter and warning notice have now been sent (see attached).

To date there has been minimal contact made with Officers by residents to discuss their situation.

To ensure Council is able to enforce successfully a strict process must be followed.

However, within the Enforcement Process Council can work with individuals to address individual circumstances. Compliance 11 provides the guidance in these matters and while the matter must be resolved within the law, there is may be some leeway in how that resolution is achieved.

Officers have outlined that a permit application for vehicle access will have little chance of success given the Act, Referral Authority requirements and the Reserve. However, an application for pedestrian access only may be a possibility. It is also possible to come to agreement around what type or form of rectification works should take and how long will be allowed for them to be implemented.

The Planning Department has indicated that even though a warning has been issued, it is still possible for affected residents to contact Officers to discuss their individual circumstances.

8. Issues and Risk Management

Issues:

Nil

Risk:

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

9. Strategic Planning Environments

Strong and Engaged Communities	No Impact
Resilient Economy	No Impact
Healthy Environment	No Impact
Balanced Services and Infrastructure	No Impact
Responsible Management	Council is fulfilling its duties under the <i>Planning and Environment Act 1987 and the Road Management Act 2004</i>

10. ConsultationInternal consultation:

- Infrastructure Department
- Planning and Building Department

5. Responsible Authority Decisions

Nil

6. Planning Authority Decisions

6.1. Council Planning Report – Amendment C117

Author:

Emily Hardy, Planner

Responsible Manager:

Manager Planning and Building

Attachments:

- 6.1.1 Echuca West Precinct Structure Plan
- 6.1.2 Echuca West Development Contributions Plan
- 6.1.3 Echuca West Native Vegetation Precinct Plan
- 6.1.4 Echuca West Background Report, including technical reports
- 6.1.5 Echuca West Explanatory Report (C117)
- 6.1.6 Local Planning Policy Framework
- 6.1.7 Schedules to Zones, Overlays and Particular Provision
- 6.1.8 Zone and Overlay Mapping Changes.

1. Purpose

To obtain Council's approval to submit Amendment C117 to the Minister for Planning for authorisation in accordance with Section 8A of the *Planning and Environment Act 1987*.

2. COUNCILLORS PANKHURST / MACKRELL

That Council as the Planning Authority:

- 1. Pursuant to Clause 8A of the *Planning and Environment Act 1987*, request the Minister for Planning for authorisation to prepare Planning Scheme Amendment C117 to the Campaspe Planning Scheme.
- 2. Note the VPA Board approval sign off letter dated 19 August 2020 and agree that the matters raised therein have been addressed to its satisfaction within the proposed Amendment C117.

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

The Echuca West precinct has been identified for residential development since the early 1990's Charrette (forerunner to new planning scheme). The *Echuca Housing Strategy 2011* also identified Echuca West as the major residential growth area for Echuca. Since adoption, none of the land identified for residential growth has been strategically planned or rezoned by landholders. Development has not occurred on the basis of ownership, cost and cooperation between landowners. Continued strong development and increasing take-up rates of existing zoned land have created a residential shortage (now less than 1 year) and therefore a rezoning was required to continue to meet this demand.

To facilitate a rezoning, in collaboration with the Victorian Planning Authority (VPA), Council sought funding through the Victorian State Government Streamlining for Growth program to work with the VPA to limit the financial burden on Council and benefit from the expertise that the VPA could provide.

The program was established to assist in unblocking delays in the strategic planning system and provide increased housing choice, diversity and affordability. The program traditionally only involved Metropolitan councils and only more recently was extended to regional councils preparing precinct structure plans.

The approach used by the VPA was to prepare a Precinct Structure Plan (PSP) and a Development Contributions Plan (DCP). These documents are used to support a rezoning of the land and is the preferred approach undertaken by metropolitan councils and rural cities.

Precinct Structure Plan (PSP) and Development Contributions Plan (DCP)

Precinct structure plans are created to set the blueprint for development and investment that will occur over many years. They provide an up to date approach to addressing current global issues such as adapting to climate change, reducing carbon emissions, rising living costs and pressures of increasing travel distances as our cities grow.

A PSP provides a balance between meeting complex policy requirements and providing affordable development. Any balancing of conflicting objectives is made in favour of net community benefit and sustainable development. PSPs include details regarding open space, roads, community and education facilities and transport and appropriate connectivity.

A Development Contributions Plan (DCP) is the mechanism used to levy new development for contributions to assist fund planned infrastructure needed by the future community. A council collects development contribution levies from new developments through an approved DCP.

An approved DCP is a one that forms part of a planning scheme.

7. Content

Amendment Documentation

This report should be read in conjunction with the *Echuca West Precinct Structure Plan, August 2020 (PSP)* and *Echuca West Development Contributions Plan, August 2020 (DCP)*, which was prepared to facilitate the scheme amendment.

Specifically, the amendment makes the following changes to the Planning Scheme:

1. Rezones land from Farming Zone Schedule 1 (FZ1) to the Urban Growth Zone Schedule 1 (UGZ1).
2. Rezones land from General Residential Zone (GRZ) to the Urban Growth Zone Schedule 1 (UGZ1).
3. Inserts Schedule 1 to Clause 37.07 Urban Growth Zone (UGZ1). The schedule will set out specific land use and development controls for the precinct and applies the Echuca West Precinct Structure Plan, August 2020.
4. Inserts the Development Contributions Plan Overlay (DCPO) into the Planning Scheme.
5. Inserts Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (DCPO1) and applies the overlay to all land within the precinct. The schedule will set out development contributions outlined in the Echuca West Development Contributions Plan, August 2020.
6. Amends the Schedule to Clause 52.16 Native Vegetation Precinct Plan to include Echuca West Native Vegetation Precinct Plan, August 2020.
7. Amends the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to include Land shown as UGZ1 on planning scheme maps
8. Amends the Schedule to Clause 72.03 What Does This Scheme Consist of? to insert Maps 7 and 10 DCPO1 and UGZ1
9. Amends Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate:
 - Echuca West Development Contribution Plan, August 2020
 - Echuca West Precinct Structure Plan, August 2020
 - Echuca West Native Vegetation Precinct Plan, August 2020
10. Amends Municipal Planning Statements – amend Clauses 21.01, 21.02, 21.08, 21.09 in the form of the attached documents.
11. Amends Planning Scheme Map No. 7 and 10 UGZ1 in the manner shown on the attached map marked “Campaspe Planning Scheme, Amendment C117camp”.
12. Inserts Planning Scheme Map No.7 and 10 DCPO with the precinct boundary, in the manner shown on the attached map marked “Campaspe Planning Scheme, Amendment C117camp”.
13. Amends Planning Scheme Map No.7BMO to delete overlay, in the manner shown on the attached map marked “Campaspe Planning Scheme, Amendment C117camp”.
14. Amends Planning Scheme Map No. 7 and 10ESO to delete overlay, in the manner shown on the attached map marked “Campaspe Planning Scheme, Amendment C117camp”.
15. Amends Planning Scheme Map No.7 and 10 LSIO-FO to delete the Floodway Overlay within the precinct boundary, in the manner shown on the attached map marked “Campaspe Planning Scheme, Amendment C117camp”.

Consultation

Documentation has been reviewed by the Victorian Planning Authority (VPA) and referred to the Department of Environment, Land, Water and Planning (DELWP).

All required external referral authorities have been actively involved since the initiation of the project and have also been referred the documentation for any further input.

Throughout the process, affected landowners have been consulted, including letters, newsletters, information sheets, meetings and in-person presentations with council officers and VPA. Landowners have had an opportunity to provide comments throughout the process.

Landowners within the PSP boundary have contributed to the technical reports required for the PSP and DCP. Financial contributions provided highlight the support of landowners seeking to proceed with the amendment.

Council departments have been engaged throughout the three (3) year project regarding various aspects of the PSP. This includes infrastructure and community needs in relation to active recreation facilities and future community facilities and in relation to proposed road networks and drainage.

Amendment Exhibition

Council has prepared a set of guidelines for public notification of Planning Scheme Amendments. The guidelines seek to ensure that the Campaspe community is well informed about changes to the Planning Scheme and the planning scheme amendment process.

The guidelines have the following objectives:

- *To ensure the Campaspe community is well informed about proposed changes to the planning scheme that may directly or indirectly affect them.*
- *To ensure the Campaspe community is well informed about the planning scheme amendment process.*
- *To ensure the Campaspe community have the opportunity for genuine involvement in the planning scheme amendment process.*

The guidelines outline several types of amendments and the notice requirements that should be achieved for each type. Amendment C117 involves changes to the Planning Policy Framework, rezones land and introduces new overlay schedules. The guidelines outline that notice for a combination of classes of amendment that notice will be provided in the following form:

- Notice to owners and occupiers of land subject to the amendment subject to the consideration of Section 19(1A) of the Act;
- Notice to owners and occupiers of land adjoining land subject to the amendment subject to the consideration of Section 19(1A) of the Act;
- Notice in the local newspapers;
- Information sheet;
- Information session, when the amendment may be of interest or concern to the wider community or technically complex.

As noted in the guidelines, Section 19(1A) of the Act outlines that the planning authority is not required to give notice of an amendment under subsection (1)(b) to the owners and occupiers of land that it believes may be materially affected by the amendment, if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.

As this amendment involves a combination of classes of amendment, including changes to the Planning Policy Framework applying to the entire municipality, it is not proposed that individual notice be given to owners and occupiers of all land within the municipality.

In regard to land directly affected by the Clause 37.07 Urban Growth Zone, Clause 45.06 Development Contributions Overlay and Clause 52.16 Native Vegetation Precinct Plan, it is considered reasonable to notify individual property owners and occupiers.

It is proposed that notice be provided in the following forms:

- Notice to owners and occupiers of land subject to the proposed rezoning and new overlays to the consideration of Section 19(1A) of the Act;
- Notice to owners and occupiers of land adjoining land subject to the proposed rezoning and new overlays subject to the consideration of Section 19(1A) of the Act;
- Notice in all local newspapers that cover the Shire
- Information sheet;
- Information sessions in Echuca
- Exhibition will occur over a 30-day period.

It is however noted that the requirements to exhibit are determined by the Minister and as such officers will have to comply with any direction provided.

8. Issues

Planning Scheme Amendment C117 is required to implement the recommendations of the Planning Scheme relating to future residential development. The Echuca West precinct has been identified for residential development since the early 1990's Charrette (forerunner to the new planning scheme). The Echuca Housing Strategy 2011 also identifies Echuca West as the major residential growth area for Echuca.

Since adoption of the *Echuca Housing Strategy 2011*, none of the land identified for residential growth has been strategically planned or rezoned. Continued strong development and increasing take-up rates have created a residential land supply shortage (<1 year) and further rezoning is required to continue to meet this demand. The financial cost to Council of not proceeding with Amendment C117 would be significant and contrary to the objectives of the *Planning and Environment Act 1987* and the Council Plan (2017-2021).

The PSP and DCP prepared by the VPA are largely designed for a metropolitan environment with the program only extending into regional/rural contexts in recent years. Given the shortage of unencumbered land (flooding, cultural heritage, flora and fauna, services) that can be developed, and the previous strategic work already undertaken since 1998, officers raised concerns regarding the PSP process.

Issues associated with timing, cost, level of detail, technical reports which may all be appropriate in a metropolitan environment were sought to be varied at the direction of Council.

The *Planning and Building Approvals Process Review* Discussion Paper undertaken during 2019 by the Red Tape Commissioner outlined similar concerns. The discussion paper has chapters on the amendment process and streamlining the PSP process and states that:

Over time, the requirements and guidelines for PSP preparation have become more detailed and prescriptive. The time to prepare a PSP currently averages three-and-a-half years. There have been unpredictable and lengthy delays in finalising some PSPs which have created significant uncertainty for landowners and developers, delaying long-term land supply for housing”.

The *Planning and Building Approvals Process Review* Discussion Paper outlines some of the fundamental problems officers have experienced in the preparation of the PSP. Although creating a working agreement with the VPA, the current PSP process is not flexible enough to address issues of land shortage The PSP process is considered too complex, costly and has itself created significant delays.

PSPs and DCPs appear to be 'a one size fits all' and fail to appropriately consider the rural setting, requirements of smaller rural councils, and do not appear to address issues of rate capping and asset management/renewal.

To address the above, the *Planning and Building Approvals Process Review* Discussion Paper suggested that the VPA review the PSP process and released a new 'PSP 2.0 Framework' for public comment. Although the key finding and outputs of PSP 2.0 have not been implemented, they sought to address the same issues that council has experienced.

The proposed improvements identified; speeding up the rezoning of land and maintaining the government's target of a 15-year land supply, determining the most appropriate size to apply PSPs, reducing cost and encouraging proper sequencing.

Echuca West PSP

As part of the current PSP, numerous technical reports have been required to be prepared as part of the VPA process. These included open space and recreation, transport assessments, cultural heritage, European heritage, detailed drainage and functional designs, flora and fauna and community assessments. The cost to prepare and the time taken to deliver them has resulted in the process taking three and half years, well beyond what Council believed could be achieved.

Throughout the development of the PSP, officers had regard to Council's adopted policies, strategies and directions in the preparation of the PSP.

The cost of preparing additional reports and requiring new additional assets has resulted in recreation and community facility requirements that differ from what would usually be provided if in a metro or regional city environment.

VPA Board Approval and Response

The VPA has written to the CEO, endorsing the handover of the Echuca West Precinct Structure Plan to Campaspe Shire Council for implementation.

The VPA has acknowledged that Council requested an alternative approach that departs from their standard practice and while these matters should not prevent the amendment from proceeding, the VPA Board requested that they be outlined.

A. Termination of McSwain Road

The VPA recommended that McSwain Road be retained through the development of the precinct to provide a consistent road network grid pattern for the area and to ensure the future community of the PSP can easily access community services and facilities of the established area.

Council has considered it unreasonable to require developers within the PSP to rectify or change what had been previously permitted through older subdivisions outside of the PSP. The decision to terminate McSwain Road was contained within the Echuca West 1998 Development Plan.

If McSwain Road is retained and upgraded, in excess of \$1 million would be required for the works. This decision to terminate was made based on technical advice and discussions with the engineering department. Appropriate bicycle and pedestrian connectivity will still be provided throughout the linear reserve, which will accommodate the appropriate infrastructure.

B. Heritage Property at 437 Stratton Road

The VPA recommended that the HO be applied as part of C117 camp to ensure the protection of the heritage site from inappropriate development and remove the risk of its demolition (which will otherwise not require a permit).

Council undertook Amendments C50 and C101 and introduced heritage overlays and policies as part of an extensive review of the Shire. This was a very time consuming and costly amendment which receive considerable negative feedback from the community (6-day Panel Hearing). It is not considered appropriate or reasonable to initiate an amendment for 1 property which could be contemplated as part of a wider review of heritage or subsequent amendment.

C. Active recreational facilities

The VPA recommended that an active recreational needs assessment be undertaken to understand the likely demand for active recreational facilities and to ensure the land area identified is adequate to cater for future potential uses.

As part of the PSP, areas have been identified to include active recreational facilities, however, the detail requested by the VPA has not been provided at this stage. Council has relevant strategic guidance regarding existing recreation. This work has been earmarked to be undertaken within the recreation department.

D. Future community facilities

In the event that the proposed facility is not built, there will be a need to include a community facility within (or close to) the PSP area to meet the demands of the future community of the PSP. The VPA recommended that if this occurs within the precinct that the future facility be co-located with LP-04 within the PSP.

The integrated children's facility is proposed to be located between two schools and a study has been initiated. While every effort has been made to anticipate future needs over the lifetime of the PSP, the 40+ year land supply requires a flexible approach and further opportunities for these areas can be monitored by Council and the relevant departments. This work can be undertaken at a more appropriate time, when some development has occurred.

Based on adopted policies and strategies of Council, the DCP will not collect a community levy fund required to deliver additional community facilities. Council's recent approach is to ensure buildings are multipurpose to reduce maintenance costs and recognising the proximity to existing community facilities.

This is based on looking at Echuca as a whole, and having regard to existing services, land values, being fiscally responsible (rate capping), and ensuring that the development contributions plan will not be unreasonable or unachievable.

These views have been formed by the relevant officers being involved, an understanding of Council's adopted policies, the cost involved in preparing further strategic works, regular updates by Council officers and the slow progress of the amendment since February 2017.

9. Options

Option 1: Resolve to seek authorisation to prepare the amendment

This option is recommended by officers.

The proposed changes to the planning scheme allow for the expansion of Echuca West to facilitate the next 40 years of residential development for Echuca.

The PSP and DCP provide appropriate strategic direction for future development and identifies infrastructure required with a funding mechanism.

The location of the PSP is identified in the *Echuca Housing Strategy 2011*.

This amendment has been prepared in conjunction with numerous background reports to support the PSP and DCP.

The creation of the amendment has also involved active engagement with landholders, department agencies and referral authorities.

Option 2: Do not advance the amendment

This option is not recommended by officers.

Echuca is rapidly running out of residential land for development.

The area chosen has been identified since a 1993 Charrette (forerunner to new planning scheme) and *Echuca West Development Plan 1998* as well as the *Echuca Housing Strategy* (2011).

Not advancing with the amendment would stall residential and economic growth within Echuca and be contrary to the objectives of the *Planning and Environment Act 1987* and the Council Plan 2017-2021.

7. Question Time

Council heard items of Question Time on the following:

Text of Question	Summation of answer given
<p>It has been announced that the Campaspe Shire will be installing electric vehicle chargers as part of the 'Charging the Regions' Victorian government project. Which towns in our local government area will receive these chargers?</p>	<p>"Charging the Regions 2" is a Central Victorian Greenhouse Alliance (CVGA) project with an objective that seeks to address the EV charging station gaps in Victoria. As part of this project, the State has selected Echuca.</p> <p>The proposed location within Echuca has been based on the following requirements:</p> <ul style="list-style-type: none"> ▪ Close to the main road or highway for access and visibility ▪ Able to connect to three phase power ▪ Nears shops (such as coffee shops) ▪ On council land. <p>The High Street, council owned off-street carpark has been proposed. Three phase power is supplied nearby and there is the space and access requirements at a central town location. The location can also qualify as a reasonable stop point as it is close to public toilets, café and off a major highway. This location meets all the stipulations of the project and CVGA and is considered the best option."</p>

8. Acknowledgements

Cr Neil Pankhurst acknowledged the passing of Mr Peter Greenham of H.W. Greenham's and Sons. Peter established his meat processing facility in Tongala in 1993 and has been a great supporter of the community ever since. His legacy continues with an annual \$20,000 scholarship for a young student studying agriculture.

9. Council Decisions

9.1. Change of Council Meeting Date

Author:

Andrew Cowin, Manager Governance and Strategy

Responsible Manager:

Chief Executive Officer

1. Purpose

To seek Council approval to cancel the scheduled Council Meeting of the 17 November and give notice of an unscheduled meeting for the same date, being the Statutory Meeting for the incoming Council.

2. Recommendation

That Council:

1. In accordance with sub-rule 2.2.1(4) of the Governance Rules cancel the scheduled Council Meeting of the 17 November 2020.
2. Instruct the Chief Executive Officer to provide notice of the cancellation of the 17 November scheduled meeting via Council's website.
3. In accordance with sub-rule 2.2.2 of the Governance Rules resolve to call an unscheduled meeting to be held at the Echuca Civic Centre, Heygarth Street, Echuca at 5:00pm on the 17 November 2020 to consider the following matters:
 - a) Administering the Oath of Office in accordance with Section 30 of the *Local Government Act 2020*;
 - b) Adoption of the Code of Conduct in accordance with Section 139 of the *Local Government Act 2020*;
 - c) Election of the Mayor in accordance with Section 25 of the *Local Government Act 2020*;
 - d) Election of the Deputy Mayor (if required) in accordance with Section 27 of the *Local Government Act 2020*;
 - e) Signing of the Memorandum of Understanding between the Mayor and Chief Executive Officer;
 - f) Signing of the Memorandum of Understanding between Councillors; and
 - g) Fixing of dates, times and places of Council Meetings for a twelve (12) month period in accordance with sub-rule 2.2.1(4) of the Governance Rules.
4. Instruct the Chief Executive Officer to provide notice of the meeting on Council's website.

COUNCILLORS PENTREATH / MACKRELL**That Council:**

1. In accordance with sub-rule 2.2.1(4) of the Governance Rules cancel the scheduled Council Meeting of the 17 November 2020.
2. Instruct the Chief Executive Officer to provide notice of the cancelation of the 17 November scheduled meeting via Council's website.
3. In accordance with sub-rule 2.2.2 of the Governance Rules resolve to call an unscheduled meeting to be held at the Echuca Civic Centre, Heygarth Street, Echuca at 5:00pm on the 17 November 2020 to consider the following matters:
 - a) Administering the Oath of Office in accordance with Section 30 of the *Local Government Act 2020*;
 - b) Election of the Mayor in accordance with Section 25 of the *Local Government Act 2020*;
 - c) Election of the Deputy Mayor (if required) in accordance with Section 27 of the *Local Government Act 2020*;
4. Instruct the Chief Executive Officer to provide notice of the meeting on Council's website.

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

In accordance with Local Law No. 1 Meeting Procedures 2019 Council resolved at its 2019 Statutory Meeting all meeting dates for the 2020 year.

In response to the COVID-19 pandemic and Australia Post mail delays the Victorian Electoral Commission (VEC) has been granted until the 13 November 2020 for the Declaration of the Poll results for the 2020 General election.

7. Content

The VEC has until the 13 November 2020 for the Declaration of the Poll so it is proposed to cancel the meeting scheduled for the 17 November, and use that date instead for an unscheduled meeting to ensure that the Statutory Meeting is held as close as possible to the Declaration of the Poll (i.e. install the new Council).

At its meeting of 18 August 2020, Council adopted new Governance Rules in accordance with the Local Government Act 2020. The Governance Rules outline at sub-rule 2.2.1(4) that:

Council by resolution, or the CEO, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

While the scheduled meeting of the 17 November is proposed to be cancelled, it is recommended that an unscheduled meeting be held to enable the:

- a) Administration of the Oath of Office in accordance with Section 30 of the *Local Government Act 2020*;
- b) Adoption of the Code of Conduct in accordance with Section 139 of the *Local Government Act 2020*;
- c) Election of the Mayor in accordance with Section 25 of the *Local Government Act 2020*;
- d) Election of the Deputy Mayor (if required) in accordance with Section 27 of the *Local Government Act 2020*;
- e) Signing of the Memorandum of Understanding between the Mayor and Chief Executive Officer;
- f) Signing of the Memorandum of Understanding between Councillors; and
- g) Fixing of dates, times and places of Council Meetings for a twelve (12) month period in accordance with sub-rule 2.2.1(4) of the Governance Rules.

The Governance Rules outline at sub-rule 2.2.2 that:

- (1) *Council may by resolution call an unscheduled meeting of the Council.*
- (7) *The CEO must arrange for notice of the meeting to be placed on Council's website*
- (8) *Any resolution of Council to call an unscheduled Council Meeting must specify the date and time of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 5pm on the day following the Council Meeting at which the resolution was made.*
- (9) *The CEO must call an unscheduled Council Meeting to elect a Mayor following a Council election declaration, in accordance with the Local Government Act 2020.*
- (10) *The unscheduled Council Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.*

In accordance with the Governance Rules it is recommended that notice of an unscheduled meeting be placed for the 17 November to consider the above matters.

8. Issues and Risk Management

Issues:

The Council meeting proposed by this report will be in accordance with the Declaration of the Poll timeframes for the General Election.

Risk:

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

9. Strategic Planning Environments

Strong and Engaged Communities	No impact
Resilient Economy	No impact
Healthy Environment	No impact
Balanced Services and Infrastructure	No impact
Responsible Management	The scheduling of Council meetings enables the business of Council to proceed and meet the statutory obligations under the <i>Local Government Act 2020</i> and meets the strategic objectives under responsible management.

10. Consultation

Internal consultation:

- Executive Management Group

9.2. Council Policy Review

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Manager Governance and Strategy

Attachments:

9.2 Council Policy 139 – Special Committees of Council

1. Purpose

To present Council Policy 139 Special Committees of Council for revocation.

2. COUNCILLORS NEELE /MACKRELL

That Council revoke Council Policy 139 – Special Committees of Council.

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

Council resolved at the 18 August 2020 Council Meeting to revoke the deed of delegations for all Council Section 86 Committees of Management by 1 September 2020 in accordance with the legislative requirements of the *Local Government Act 2020*. Therefore, this policy can be revoked as Council no longer utilises Section 86 Committees responsible for the management of Council facilities.

7. Content

A summary of the policy for revocation is listed below, and the policy is also attached.

Policy No.	Policy Title	Reason for Revocation
139	Special	This policy can be revoked as the transition of Section 86 Committees has been completed in accordance with the <i>Local Government Act 2020</i> .

8. Issues and Risk Management

Issues:

Nil

Risk:

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

9. Strategic Planning Environments

Strong and Engaged Communities: No impact

Resilient Economy: No impact

Healthy Environment: No impact

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

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

10. Consultation

Internal Consultation

- Responsible policy officers
- Executive Management Group

Councillors

- 1 September 2020 Briefing session

9.3. Community Grants Program - Tongala only

Author:

Bobbi Aitken, Executive Assistant Community

Responsible Manager:

General Manager Community

1. Purpose

To seek Council's endorsement of recommendations for the Community Grants Program – Tongala only.

2. Recommendation

That Council:

1. Approve community grants applications as follows:
 - a) \$1,125 Tongala Cricket Club Inc., purchase new cricket wicket covers.
 - b) \$1,200 Tongala and District Memorial Aged Care Service Inc., purchase of pass through dishwasher.
 - c) \$5,000 Tongala Recreation Reserve Inc., oval roadway repairs.
 - d) \$4,496** Sawtell RSL Sub Branch, Tongala Avenue of Honour refurbishment.
 - e) \$3,370 Tongala Football Netball Club Inc., clubroom furniture upgrade.
 - f) \$4,400** Tongala Lions Club Inc., walking tack resurfacing.
2. Allocate \$80,409 towards the implementation of the Tongala Placed Based Plan.

COUNCILLORS PANKHURST / MACKRELL

That Council:

1. Approve the following community grant applications:
 - a) **\$1,500 Tongala Cricket Club Inc., purchase new cricket wicket covers.**
 - b) **\$5,000 Tongala and District Memorial Aged Care Service Inc., RM McHale upgrade – purchase pass through dishwasher.**
 - c) **\$5,000 Tongala Recreation Reserve Inc., oval roadway repairs.**
 - d) **\$4,496 Sawtell RSL Sub Branch, Tongala Avenue of Honour refurbishment.**
 - e) **\$4,494 Tongala Football Netball Club Inc., club room furniture upgrade.**
 - f) **\$4,400 Tongala Lions Club Inc., walking tack resurfacing.**

2. **Note funding will be subject to the proponents of the Tongala Avenue of Honour refurbishment and Tongala walking track resurfacing, obtaining landowner permission for their respective projects.**
3. **Allocate \$75,100 towards the implementation of the Tongala Place Based Plan.**

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

As part of Council's budget deliberations for the 2020/21 financial year, and in considering community requests to have proceeds from the sale of the previous Golden Cow site in Tongala returned to the Tongala community, Council set aside \$100,000 to be used specifically within the Tongala community.

Following the adoption of the budget, the Chief Executive Officer in consultation with Councillors initiated an initial release of \$25,000 for a community grants program. A call for grants of up to \$5,000 each commenced 3 August.

The remaining funds of \$75,000 (plus any unused from the Tongala Community Grants Round) are proposed to be directed towards projects/actions arising from the Tongala Place Based Planning program which is currently underway.

The grants program offers financial support to not for profit community organisations, groups and associations in Tongala for projects, events, exhibitions and/or performances that contribute to the township, making it a vibrant and stimulating place for people to live, work and visit.

All applications received were subjected to an objective review, and assessed by the Executive Assistant team, using the assessment matrix described in the guidelines for the community grant rounds, which are undertaken twice yearly.

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

- Total funds available for applications: \$25,000
- Total of applications received: \$24,890
- Total of grants allocated: \$19,591

As this is a one-off round of grants specifically for Tongala using funds derived from the sale of the Golden Cow, Council may determine to adjust the recommended funding amounts for each project.

Organisation	Project Details	Grant Requested	Project Expenditure	Recommended Allocation
Tongala Cricket Club Inc	Purchase of new cricket wicket covers	\$1,500	\$1,507	\$1,125
Tongala & District Memorial Aged Care Service Inc	RM McHale upgrade – purchase pass through dishwasher	\$5,000	\$6,902.50	\$1,200
Tongala Recreation Reserve Inc	Oval roadway repairs	\$5,000	\$10,000	\$5,000
Sawtell RSL Sub Branch**	Tongala Avenue of Honour refurbishment	\$4,496	\$5,496	\$4,496
Tongala Football Netball Club Inc	Furniture upgrade	\$4,494	\$4,494	\$3,370
Tongala Lions Club Inc**	Walking track resurface	\$4,400	\$4,400	\$4,400
Total		\$24,890	\$30,897	\$19,591

*** This funding will be subject to groups obtaining landowner permission from VicTrack.*

It is important to note that if an initiative pertains to council owned or managed infrastructure or facilities, the awarding of a grant through one of council's funding programs does not constitute approval to undertake any works. Such approval must be separately requested from council in its capacity as landowner/manager. Requests for council to auspice any related grants are also subject to a separate application.

There may also be specific permit or other approval requirements needed for each initiative. It remains the responsibility of the funding recipient to obtain these approvals through the relevant council department or other authority.

7. Issues and Risk Management

Issues:

Issue 1: The current coronavirus pandemic may impact the start of some projects

This will be worked through with individual organisations regarding the projects concerned and restrictions imposed at the time.

Risk:

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

8. Strategic Planning Environments

Strong and Engaged Communities

Community Grants directly support community groups to implement locally identified projects and programs that will lead to increased partnerships, connect people, promote diversity, develop leadership, build self-efficiency, improve the environment and strengthen communities.

Resilient Economy

The Community Grants Program supports communities to undertake a range of projects.

Healthy Environment

The Community Grants Program supports communities to undertake a range of projects.

Balanced Services and Infrastructure	The Community Grants Program supports communities to undertake a range of projects.
Responsible Management	Council allocated \$25,000, part of the proceeds from the sale of the Golden Cow, to Community Grants – Tongala only for the 2020/2021 financial year. The development of the Community Grants Program has resulted in an open and transparent use of financial resources, available to all community groups in Tongala.

9. Consultation

Internal consultation:

Assessment of applications were completed by:

- Executive Assistant Community
- Executive Assistant Chief Executive Officer
- Executive Assistant Development
- Executive Assistant Infrastructure

Administration:

- 2 September 2020 Executive Management Group meeting

Councillors:

- 8 September 2020 Council Briefing Session.
-

10. Officer Comment

Successful applicants will be notified in writing of the outcome of their application with funds to be paid into bank accounts upon return of signed funding agreements.

Due to the COVID-19 pandemic there are no plans to hold a civic reception to celebrate the applications successful under this round of community grants.

Council's contribution of \$19,591 will support the provision of projects to the value of \$30,897.

9.4. Future Management Options of the Port of Echuca Precinct Project Update

Author:

Andrew Cowin, Manager Governance and Strategy

Responsible Manager:

Chief Executive Officer

Attachments:

- 9.4 Realising the Port of Echuca Precinct Potential – Consideration of Options for the Future Management of the Port of Echuca Precinct – Report for Public Distribution
-

1. Purpose

To update Council on the progress of investigation of the options for the future management of the Port of Echuca Precinct and to present the *Realising the Port of Echuca Precinct Potential – Consideration of Options for the Future Management of the Port of Echuca Precinct – Report for Public Distribution* report.

2. COUNCILLORS MACKRELL / WILSON

That Council:

1. Note the further advice requested in item 9.10 of Council Agenda 18 August 2020 with respect to an Independent Not for Profit Body and a Beneficial Enterprise's is yet to be received.
2. Note the *Realising the Port of Echuca Precinct Potential – Consideration of Options for the Future Management of the Port of Echuca Precinct – Report for Public Distribution* report.
3. Direct the CEO to make a copy of the *Realising the Port of Echuca Precinct Potential – Consideration of options for the future management of the Port of Echuca Precinct – Report for Public Distribution* report available on Council's website for community information.

Cr Neele proposed an amendment to the motion

The mover of the motion declined the amendment

AMENDMENT

COUNCILLORS NEELE / VICKERS

That Council:

1. Note the further advice requested in item 9.10 of Council Agenda 18 August 2020 with respect to an Independent Not for Profit Body and a Beneficial Enterprise's is yet to be received.
 2. Note the *Realising the Port of Echuca Precinct Potential – Consideration of Options for the Future Management of the Port of Echuca Precinct – Report for Public Distribution* report.
 3. Direct the CEO to make a copy of the *Realising the Port of Echuca Precinct Potential – Consideration of options for the future management of the Port of Echuca Precinct – Report for Public Distribution* report available on Council's website for community information.
-

4. The CEO seek further advice from Dr Cochrane as to whether there might be another model/structure, community not for profit based, including volunteer engagement, that could conceivably manage the Precinct (as defined for the PPWG preferred model) with an annual funding allocation from the Council in the region of \$300,000.

The AMENDMENT was PUT to the vote and was CARRIED

A DIVISION was called

Those in favour of the amendment – Crs Munro, Neele, Vickers, Weston, Zobec

Those against the amendment – Crs Wilson, Mackrell, Pankhurst, Pentreath

The AMENDMENT became the SUBSTANTIVE MOTION

SUBSTANTIVE MOTION

COUNCILLORS NEELE / VICKERS

That Council:

1. Note the further advice requested in item 9.10 of Council Agenda 18 August 2020 with respect to an Independent Not for Profit Body and a Beneficial Enterprise's is yet to be received.
2. Note the *Realising the Port of Echuca Precinct Potential – Consideration of Options for the Future Management of the Port of Echuca Precinct – Report for Public Distribution* report.
3. Direct the CEO to make a copy of the *Realising the Port of Echuca Precinct Potential – Consideration of options for the future management of the Port of Echuca Precinct – Report for Public Distribution* report available on Council's website for community information.
4. The CEO seek further advice from Dr Cochrane as to whether there might be another model/structure, community not for profit based, including volunteer engagement, that could conceivably manage the Precinct (as defined for the PPWG preferred model) with an annual funding allocation from the Council in the region of \$300,000.

The SUBSTANTIVE MOTION was PUT to the vote and was CARRIED

A division was called

Those in favour of the motion – Crs Munro, Neele, Vickers, Weston, Zobec

Those against the motion – Crs Wilson, Mackrell, Pankhurst, Pentreath

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

At its April 2020 meeting, Council considered the report from the Port Precinct Working Group (PPWG), which had comprised three Echuca Moama Alliance and three Council representatives.

The Working Group presented 4 recommendations for Council's consideration, which Mr Michael Delahunty (PPWG member) addressed in his verbal presentation to Council; chief amongst them was that:

1. *Council adopt and recommend the future operating model for the Precinct to be Council Owned and the Operation Outsourced to an Independent Not for Profit (NFP) Organisation.*

The Administration noted, in its report to Council, that:

- The options canvassed by the PPWG did not include an 'arm's length' Council management model; nor were they required to do so.
- The PPWG Terms of Reference specifically excluded EPS and commercial tenant lease arrangements, but an 'arm's length' management structure within Council would necessarily include such assets.
- Given the ongoing requirement for a significant community (Council) subsidy each year, with little prospect of an operational profit ever being achieved given the nature of the assets and their operations, it was considered incumbent on Council to entertain the probability that a similar 'reducing subsidy' could be achieved by Council itself; if an alternate and commercially oriented management model and operational delegations could be established.

After consideration Council determined:

COUNCILLORS PENTREATH/WILSON

That Council:

1. *Thank members of the Port Precinct Working Group and the Consultants for their work on Council's behalf.*
2. *Receive and note the report and the recommendations contained therein.*
3. *Note that the Not for Profit option, while preferred by the Group, would still require considerable and ongoing financial subsidies to be provided by the community (Council).*
4. *Reserve its position with respect to a preferred management model until a further report is prepared and presented to it by the Chief Executive Officer.*
5. *Direct the Chief Executive Officer to develop an additional management model for Council's consideration that closely approximates an 'arm's length from council' approach (e.g. a Division with full delegations to operate independently of the Council but accountable to the CEO).*
6. *The model developed (under 5 above) to canvass management of all of the Council's functions, assets, activities and responsibilities within the Precinct (e.g. leases, financial management, commercial activities including boats, tourism and activation).*
7. *Direct the Chief Executive Officer to have Business Cases developed for the Precinct under the Working Group's preferred model and the model being prepared by the CEO (recommendations 5 and 6 above).*

8. *Recognise the impacts of the current pandemic on the community, particularly tourism in the context of the report presented, and requires the alternate Model and Business Cases be returned for Council's consideration at its July meeting.*

At its August 2020 meeting, Council considered a report that advised that the CEO appointed Cloudstreet Economics to conduct an independent review of the current management structure, a Not for Profit model as proposed by PPWG, and an arm's length council management model.

The review was to addresses structures, business models, staffing requirements, key responsibilities and financial forecasts as well as outline any likely 'subsidy' that the operation of each model would leave for the community (Council) to 'pay'.

After consideration Council determined:

COUNCILLORS NEELE / PENTREATH

That Council:

1. *Note the additional delay to the presentation of the final report to Council.*
2. *Thank Dr David Cochrane, of Cloudstreet Economics, for the confidential briefing provided to update Councillors on the progress of his report.*
3. *Direct the CEO to obtain further advice with respect to an Independent Not for Profit Body and a Beneficial Enterprise's:*
 - a) *legal structure;*
 - b) *ability to assume Committee of Management responsibility for Crown Land;*
 - c) *ability to take on their own industrial relations and associated responsibilities;*
 - d) *compliance with Council obligations (Local Government Act, Policies & Procedures, State reporting etc.).*
 - e) *liability to indirect taxes (State and Australia) and direct taxes.*
4. *Direct the CEO to brief Mr Delahunty (Port Precinct Working Party), within the constraints of business confidentiality, about the report's progress.*

7. Content

Dr Cochrane (Director of Cloudstreet Economics) has now prepared the *Realising the Port of Echuca Precinct Potential – Consideration of Options for the Future Management of the Port of Echuca Precinct – Report for Public Distribution* report (the report). The report makes available the details of the options and presents the findings of his investigation to date.

The report does not include confidential material relating to Council business or private commercial information.

The report in investigating future management models noted that a number of possible variations across the three core options could be investigated. However, concluded that these options are not considered viable and do not warrant further consideration. The report does note a preferred model, being the Port of Echuca Integrated Manager Model, but highlights that there remains a number of implementation matters which require clarification prior to Council progressing to adopt any of the models as the preferred.

Council at its August 2020 meeting instructed the CEO to obtain further advice in relation to these outstanding matters, that advice is yet to be received.

8. Issues and Risk Management

Issues:

Issue 1:

Based on Dr Cochrane's advice, it would be inadvisable for Council to determine a preferred management model until the outstanding matters have been resolved.

Risk:

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

9. Strategic Planning Environments

Strong and Engaged Communities	No impact
Resilient Economy	Improved management and delivery of Council's operations in the precinct will facilitate and support local business growth and develop tourism opportunities
Healthy Environment	No impact
Balanced Services and Infrastructure	Formally reviewing Council's ownership and management of a range of assets, including those in the Port Precinct, informs Council decisions about addressing community needs.
Responsible Management	Considerable Council resources are allocated to the management and operation of the Precinct, reviewing options to improve them, address tourism needs and reduce the level of subsidy required of the community; evidences responsible management.

10. Consultation

Internal consultation:

- Chief Executive Officer

Councillors:

- Councillors at a Briefing session.

COUNCILLORS MUNRO / NEELE

That Council suspend the meeting for a five minute comfort break at 7:10pm

CARRIED

COUNCILLORS MUNRO / ZOBEC

That Council resume the meeting at 7:16pm

CARRIED

9.5. CEO Delegation to award contracts for the Rushworth High Street Streetscape Project and Quarry Crusher Plant

Author:

Mark Dibsdale, Manager Projects and Facilities

Responsible Manager:

General Manager Infrastructure

1. Purpose

To seek approval for the CEO to award contracts for two projects in excess of his \$1M (inc GST) delegation.

2. COUNCILLORS PENTREATH / NEELE

That Council:

1. **Note that the CEO has a \$1.0M financial delegation, most recently reconfirmed by Council on 18 August 2020.**
2. **Authorise the CEO to award the construction contract for the Rushworth High Street Streetscape (PR-100564) and the Quarry Crusher Plant (as part of the Major Plant Replacement Program PR-100456), subject to:**
 - a) **The delegation being limited to the extent that contract costs do not exceed the approved budgets shown in the adopted 2020/2021 Budget and Strategic Resource Plan.**
 - b) **Awarding of the contract(s) be referred to Council for decision, if the costs exceed the budget allocation(s).**
 - c) **The increase in financial delegation being strictly limited to the two projects canvassed in this report.**

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

The Financial Delegation being requested in this report is not consistent with the instrument of delegation approved by Council on 18 August 2020.

The request is submitted to enable continuation of Council business during the Election Period.

6. Background

In preparing projects for delivery this financial year the Infrastructure Division has identified a high value project and plant replacement whose delivery is contingent on prompt contract award. These would normally go to Council for resolution to award as construction is likely to be above the CEO's \$1.M delegation from Council.

Local Council elections this year create the potential for 'lost time' in the consideration and awarding of relatively straightforward construction and purchasing projects, that may otherwise have been easily delivered this financial year.

The two identified as most at risk of non-delivery in the 20/21FY, if awarding of a contract is delayed are the:

- Rushworth Streetscape - PR100165
- Quarry 'Crusher Plant' as part of the Major Plant Purchase - PR100456.

To allow the contract process and project delivery to proceed smoothly and in a more timely fashion, this report requests CEO delegation to award the two contracts.

The CEO will not award a contract if the costs exceed the approved budget.

The Rushworth Streetscape project timeframe will also benefit from dry weather delivery and a budget allocation of \$1.29M for 2020/21. Awarding this tender earlier in the financial year will minimise construction timelines and guarantee the best quality outcome.

It is expected that the 'crusher plant' for the Quarry is estimate at \$1.4M. This is one element of the overall Major Plant Replacement Program 2020/21. With COVID border restrictions, and impacts on supply and lead-times, the risk of delayed delivery is significant for this high-value piece of plant. The Quarry is currently leasing a crusher at \$14,000 per week. An eight-week delay would equate to \$112,000 in avoidable costs.

The new crusher will also open up opportunities in materials recycling and markets the Quarry doesn't have access to at present. It is expected that this will increase revenue opportunities and improve the business.

7. Issues and Risk Management

Issues:

Nil

Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
High value projects are delayed while Council reconvenes to make contract award decisions.	Almost Certain In the case of these projects, designs, permits etc have been received and tenders are soon to go to market. Award will therefore fall in the period covered by this resolution.	Major At a combined value of \$2.69M these projects represent ~7% of the 2020/1 program.	Major (Infrastructure Project Delivery)	Authorise the delegation.

8. Options

Option 1: Approve the Delegation

This option provides the CEO with the authority to award contracts for the projects listed if the tender price does not exceed the available budget. Should the recommended contract cost exceed the budget, the awarding of the contract will be presented for consideration at the next available Council meeting. Both contracts are subject to Council's procurement practices and will continue to follow them.

This option is recommended by officers.

Option 2: Maintain the delegations as they are now requiring all projects with contract value over \$1M to go to Council for specific resolution

This would maintain the current status through the election and new Council induction period.

This option is not recommended by officers.

9. Strategic Planning Environments

Strong and Engaged Communities	No Impact
Resilient Economy	No Impact
Healthy Environment	No Impact
Balanced Services and Infrastructure	No Impact
Responsible Management	The recommendation maximises Council's opportunity to deliver its projects to the timeframes announced in the budget and annual plan.

10. Consultation

Internal consultation:

- Assets Team
- Project Team
- Procurement Team
- Manager Assets
- Manager Works
- Contracts and Procurement Manager
- General Manager Infrastructure

Councillors:

- 1 September Briefing Session

9.6. Lane between Bradley Street and Unitt Street, Kyabram

Author:

Jane Waser, Project Manager

Responsible Manager:

Manager Assets

1. Purpose

To inform Council of the proposal to remove a segment of lane between Bradley Street and Unitt Street, Kyabram from Council's Register of Public Roads.

2. COUNCILLORS NEELE /ZOBEC

That Council endorse the proposal to remove the segment of lane between Bradley Street and Unitt Street, Kyabram from its Register of Public Roads as the road is no longer reasonably required for general public use in accordance with Section 17 (4) of the *Road Management Act 2004*.

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

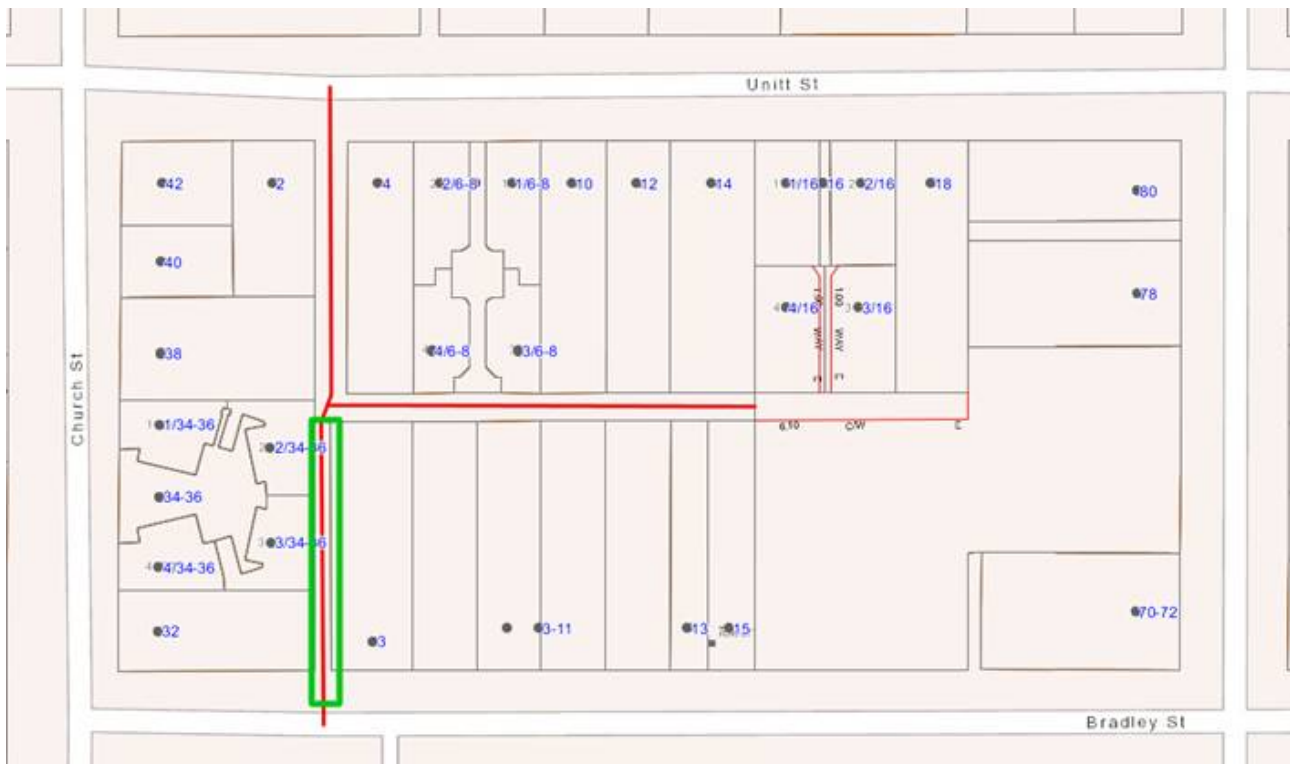
This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

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

6. Background

Council staff have been in consultation with the property owner adjacent to the lane between Bradley Street and Unitt Street, Kyabram. The property owner has expressed interest in purchasing the parcel of land, indicated in the diagram below in green. None of the neighbouring properties have an existing rear lane access to this segment of the lane.



The lane is currently listed on Council's Register of Public Roads. Removal of the lane from Council's Register of Public Roads would enable Council to pursue the option to discontinue the lane/road. The lane/road is a freehold road, therefore pending the discontinuance process, the title would revert to Council for potential sale.

7. Content

Road Management Act 2004

Council as a Road Authority has the power to declare and name a road under Section 11 of the Act. Section 17 (1) of the Act defines a public road if it is –

- (a) A freeway; or
- (b) An arterial road; or
- (c) Declared under section 204(1) of the *Local Government Act 1989*

Section 17 (4) states that a Road Authority must remove a road from its register of public roads if the Road Authority has made a decision that a road is no longer reasonably required for general public use.

Under Section 19 of the Act, a Road Authority must keep a register of public roads specifying the public roads in respect of which it is coordinated road authority.

8. Issues and Risk Management

Issues:

Issue 1: Adjoining Landowner Engagement

All adjoining landowners directly adjacent to the segment of laneway have been advised of the proposal and had the opportunity to provide feedback. All landowners will be sent an additional letter advising them of the outcome of this meeting.

Risk:

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

9. Options**Option 1: Endorse the removal of a segment of lane from Council's Register of Public Roads**

This option would rationalise Council's road asset network, removing all liability and maintenance associated with the segment of lane. This option would also allow Council to pursue the option of selling the segment of lane.

This option is recommended by officers.

Option 2: Do not endorse the removal of a segment of land from Council's Register of Public Roads

The segment of lane would remain on Council's Register of Public Roads and Council will retain all liability and maintenance requirements associated with the segment of lane. This option would also remove the ability for Council to pursue the option to sell the segment of lane.

This option is not recommended by officers.

10. Strategic Planning Environments

Strong and Engaged Communities	No impact
Resilient Economy	The recommendations of this report indirectly support a local business in Kyabram.
Healthy Environment	No impact
Balanced Services and Infrastructure	The impact of this recommendation supports the implementation of the strategic objective to manage and maintain assets to optimise their lifecycle.
Responsible Management	The engagement process of this project supports this strategic objective.

11. Consultation**Internal consultation:**

- Assets Department
- Operations Department
- Road Services Department

External consultation:

- Landowners
- 3-11 Bradley Street, Kyabram
- 32 Church Street, Kyabram
- 1-4/34-36 Church Street, Kyabram

10. Council Information

10.1 Letters of Appreciation

The following have been received:

- Prue Crowe-Galea, Echuca – thank you to all the wonderful and caring Library staff for their diligence, knowledge and kindness to all Library customers. From toddlers who enjoy story time to the elderly folk the staff continue to enrich the lives of everyone who use the Campaspe Regional Library service.

“In uncertain (COVID-19) times, something that is certain is your continued care and great service over many years and into the future, whatever it holds”.
- Michelle Fitzgerald, Curves Kyabram – thank you to Penny Loader, Planner for her assistance during the planning permit process. Penny’s support, patience and guidance was exceptional.
- Robert Jolley, Kyabram – thank you for the quick response in inspecting the damage at the intersection of Hawkins and Anderson Street, Kyabram.
- Chris Hunter, Kyabram – thank you to Council, in particular Road Services/Maintenance for the grading of Gray, Everard and McKenzie Roads, Kyabram. It is a great job!
- Karen Allison, Echuca – thank you for the two complimentary green bin bags as part of the recent green bin promotion.

COUNCILLORS MACKRELL /MUNRO

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

CARRIED

10.2. Staff Recognition - Years of Service

Author:

Bobbi Aitken, Executive Assistant Community

Responsible Manager:

General Manager Community

1. Purpose

To acknowledge the completion of the number of years of service to the Campaspe Shire Council by permanent and casual employees this year.

2. COUNCILLORS PENTREATH / MUNRO

That Council note and congratulate staff for the significant milestones achieved in 2020, in line with Administrative Policy 062 - Staff Recognition Program.

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

Recognition of the following milestones employees have or will achieve during 2020 achieved.

Staff member	Years of Service	Achieved
Eugena Kidd	10 years	12 January 2020
Amanda Andrews	10 years	29 January 2020
Bridget Pemberton	10 years	8 February 2020
Jacinda Rasmussen	10 years	25 May 2020
Zara Retallick	10 years	13 June 2020
Breanne Hannasky	10 years	26 July 2020

Staff member	Years of Service	Achieved
Barry Tinning	10 years	23 August 2020
Natalie Stephenson	10 years	28 September 2020
Andrew Fletcher	10 years	20 October 2020
Benjamin Lloyd	10 years	23 October 2020
Belinda Owen	10 years	10 November 2020
Linda Fisher	10 years	16 November 2020
Stacey Gillie	15 years	25 February 2020
Jenny Brown-Ryan	15 years	11 April 2020
Karen Teskera	15 years	2 May 2020
Suzanna Gorman	15 years	2 May 2020
Elaine Boyd	15 years	1 July 2020
Kim Coote	15 years	21 September 2020
Ryan Williams	15 years	28 September 2020
Linda Law	15 years	5 October 2020
Glenn Major	15 years	14 November 2020
Mark Swalling	15 years	18 November 2020
Graeme Wall	20 years	5 January 2020
Susan McMahon	20 years	15 February 2020
Paul Fahy	20 years	1 March 2020
Paul McKenzie	20 years	17 April 2020
Kaye Egan	20 years	29 May 2020
Jane Wines	20 years	6 July 2020
Robbie Donovan	20 years	16 August 2020
Malcolm Smythe	20 years	28 September 2020
Leanne Buckley	20 years	2 October 2020
Bobbi Aitken	20 years	21 October 2020
Colleen Tinkler	20 years	13 November 2020
Damien McInnes	20 years	18 December 2020
Margaret Nepean	25 years	15 November 2020
Danny Jones	30 years	15 January 2020
Kate Lemon	30 years	5 May 2020
Graeme Robinson	40 years	3 September 2020

A reception has been arranged for Thursday, 29 October 2020 (subject to Public Health Directions) for staff and families to attend for presentation of recognition certificates and gifts.

7. Issues and Risk Management

Issues:

The current coronavirus pandemic restrictions may impact the ability to host the reception planned for 29 October.

Risk:

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

8. Strategic Planning Environments

Strong and Engaged Communities: No impact

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

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

9. Consultation

Not applicable

10.3. Echuca On-Street Parking Changes**Author:**

Richard Conway, Manager Assets

Responsible Manager:

General Manager Infrastructure

Attachments:

10.3. Echuca On-Street Parking Changes

1. Purpose

To note upcoming changes to on-street car parking in Echuca.

2. Recommendation

That Council note the changes to on-street car parking in Echuca that will begin in September 2020.

COUNCILLORS VICKERS / NEELE**That Council:**

1. Note upcoming changes to on-street car parking in Echuca
2. Adopt a three hour time limit from Law Court Place to and including Radcliffe Street for High Street, Murray Esplanade and Hopwood Place.

The mover and seconder of the motion agreed for the motion to be amended to include a table summarising the car parking changes

COUNCILLORS VICKERS / NEELE**That Council:**

1. Note upcoming changes to on-street car parking in Echuca
2. Adopt a three hour time limit for the following:

Road Name	From (location)	To (location)	From (Time)	To (Time)
Murray Esplanade	Radcliffe Street	Leslie Street	All day	3 hours
High Street	Warren Street	Leslie Street	All day	3 hours
Leslie Street	High Street	Campaspe River	All day	3 hours
Hopwood Place	Murray Esplanade	High Street	All day	3 hours
Watson Street	Hopwood Place	Crofton Street	All day	3 hours

Heygarth Street	High Street	Landsborough Street	2 hours	3 hours
Anstruther Street	High Street	Landsborough Street	2 hours	3 hours
Heygarth Street	Hare Street	Anstruther Street	All day	3 hours
Dickson Street	Crofton Street	High Street	All day	Formally painted all day
Crofton Street	Watson Street	Dickson Street	All day	Formally painted all day
Watson Street	Crofton Street	Law Court Place	All day	Formally painted all day
Remove Equitable Access Carpark	Riverboat Dock	-	-	-
Relocate Equitable Access Carpark	Hopwood Place midblock (x1)	Hopwood Place at Murray Esplanade end increasing to 2	All day	3 hours
Relocate Equitable Access Carpark	High Street south of Hopwood Lane	High Street immediately north of Radcliffe Street	All day	3 hours

COUNCILLORS PANKHURST / PENTREATH

That the item be deferred until the December 2020 Council Meeting to enable further consideration by Council.

The MOTION was PUT to the vote and was CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

Council undertook a review of car parking in Echuca in 2018 with a strategy adopted by Council resolution in January 2019. As part of that resolution officers began work on developing the scope and cost of high priority parking initiatives within the strategy.

One of those initiative was to alter the parking restrictions in the CBD, High Street and Murray Esplanade in order to encourage decreased parking durations with increased occupancy.

Part of the review also aims to make equitable the parking times across the different areas so there is a demonstrated logic to the parking zones.

7. Content

The review of parking zones has been completed and the image below shows the newly adopted structure.

As part of the timing changes, accessible car parking spaces in the Riverfront, Hopwood Place and Leslie Street will be increased. At this time there are 9 available accessible car parking spaces. As this is only 1 more than the minimum number required, an additional 5 spaces will be added to this precinct.

Signage and line marking will be changed where appropriate. This will be started immediately should Council endorse the recommendation/s and aims to be completed by November 2020. The changes are listed below:

Road Name	From (location)	To (location)	From (Time)	To (Time)
Murray Esplanade	Radcliffe Street	Leslie Street	All day	2 hours
High Street	Warren Street	Leslie Street	All day	2 hours
Leslie Street	High Street	Campaspe River	All day	4 hours
Hopwood Place	Murray Esplanade	High Street	All day	4 hours
Watson Street	Hopwood Place	Crofton Street	All day	4 hours
Heygarth Street	High Street	Landsborough Street	2 hours	4 hours
Anstruther Street	High Street	Landsborough Street	2 hours	4 hours
Heygarth Street	Hare Street	Anstruther Street	All day	2 hours
Dickson Street	Crofton Street	High Street	All day	Formally painted all day
Crofton Street	Watson Street	Dickson Street	All day	Formally painted all day
Watson Street	Crofton Street	Law Court Place	All day	Formally painted all day
Remove Equitable Access Carpark	Riverboat Dock	-	-	-
Relocate Equitable Access Carpark	Hopwood Place midblock (x1)	Hopwood Place at Murray Esplanade end increasing to 2	All day	4 hours

Road Name	From (location)	To (location)	From (Time)	To (Time)
Relocate Equitable Access Carpark	High Street south of Hopwood Lane	High Street immediately north of Radcliffe Street	All day	2 hours

8. Issues and Risk Management

Issues:

Nil

Risk:

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

9. Strategic Planning Environments

Strong and Engaged Communities No Impact

Resilient Economy The changes to parking are aimed to improve throughput in the CBD which is of benefit to the commercial operators.

Healthy Environment No Impact

Balanced Services and Infrastructure No Impact

Responsible Management No Impact

10. Consultation

Internal consultation:

- Planning
- Assets
- General Manager Infrastructure

Councillors:

- 11 August 2020 Council Briefing Session.

11. Councillor Reports

Cr Adrian Weston	
21 August 2020	Loddon Campaspe Councils Virtual Meeting
24 August 2020	Murray River Group of Councils Virtual Meeting
24 August 2020	Cross Border Meeting Senator Bridget McKenzie
25 August 2020	Girgarre Development Group Meeting
3 September 2020	Murray River Group of Councils Virtual Meeting
11 September 2020	2020 MAV Representatives Forum

Cr Daniel Mackrell	
21 August 2020	Local Government Act 2020 - Implementation Webinar

Cr Kristen Munro	
21 August 2020	Local Government Act 2020 - Implementation Webinar

Cr Vicki Neele	
21 August 2020	Local Government Act 2020 - Implementation Webinar
26 August 2020	Echuca Moama and District Tourism Association Board Meeting

Cr Neil Pankhurst	
21 August 2020	Local Government Act 2020 - Implementation Webinar
4 September 2020	EMFM Radio

Cr Leanne Pentreath	

Cr Annie Vickers	
21 August 2020	Local Government Act 2020 - Implementation Webinar
11 September 2020	2020 MAV Representatives Forum

Cr Leigh Wilson	
21 August 2020	GVWRRG Board Meeting

Cr John Zobec	

COUNCILLORS MUNRO /WILSON

That the Councillor Reports be noted.

CARRIED

12. Chief Executive Officer's Report

The CEO continues to participate in a variety of meetings in response to the Covid-19 Pandemic, in addition to normal operational activities. Teleconferences and web meetings include:

- Michael Delahunty, Echuca Moama Alliance
- Local Government Act 2020 Implementation Webinar
- Loddon Campaspe Councils Mayors & CEO's meeting
- MRGC introductory meeting with Chair & CEO of MDBA
- LGPro CEO Forum
- Guest CEO at Central Goldfields Community and Candidate Briefing
- Fortnightly Loddon Campaspe Councils CEO's COVID response meeting
- Weekly NSW Border Issues Briefing: Cross Border Commissioners
- DHHS – Rapid Response Briefing, Loddon Mallee
- Murray River Group of Councils Mayors and CEO's meeting
- Victorian Local Government Grants Commission 2020 Session
- Loddon Campaspe Regional Partnership meeting
- MAV Annual State Council Meeting
- Coliban Water/Campaspe Joint Executive Meeting

COUNCILLORS MUNRO /NEELE

That the Chief Executive Officer's report be noted.

CARRIED

COUNCILLORS MUNRO / ZOBEC

That Council in accordance with Council's Governance Rules extend the Council Meeting for one 30 minute block until 8:30pm.

CARRIED

14. Notices of Motion

14.1. Notice of Motion - Mooring Access Port of Echuca Wharf

Cr Vicki Neele

That Council provide a report examining land access options to the paddle steamers with moorings adjacent to the Crown Land managed by Council from the Discovery Centre to the Wharf.

Rationale

To ensure that there is certainty and consistency as to the land access options available to any boat owners, private and commercial, who have moorings that abut Council managed Crown Land from the Discovery Centre to the southern end of the wharf. To ensure that owners of historic vessels, that are the designated preferred vessels to be awarded these moorings, can all manage the necessary regular maintenance checks of these vessels in the most sensible manner.



Cr Vicki Neele

1 September 2020

CEO Comment

Mooring Infrastructure was included in the public EOI documentation that was issued to any prospective boat owner applying for a mooring in the area identified in the Notice of Motion. There is only one mooring that was not subject to this EOI process, which has led to the 'inconsistency of access' with respect to the moorings adjacent to the wharf/discovery centre.

Councillors have received a detailed report in that regard and have been advised that an alternative location is being pursued to address the single anomaly.

The Administration has also advised Councillors of their concerns of significant health and safety risks occurring when accessing the mooring in an unauthorised way, which exposes an individual to serious risk of injury and (if Council supports this access) the Council to a significant liability.

COUNCILLORS NEELE / ZOBEC

That Council provide a report examining land access options to the paddle steamers with moorings adjacent to the Crown Land managed by Council from the Discovery Centre to the Wharf.

CARRIED

15. Urgent Business

COUNCILLORS PANKHURST /VICKERS

That Council consider one item of urgent business regarding a change of Council meeting date.

CARRIED

15.1. Change of Council Meeting Date

Author:

Fleur Cousins, General Manager Corporate

Responsible Manager:

Chief Executive Officer

1. Purpose

To seek Council approval to cancel the scheduled Council Meeting for 29 September 2020 and instead give notice of an unscheduled meeting for Wednesday 7 October 2020, if required, to consider the audited 2019/2020 financial and performance statements.

Following the release of the Council agenda, Council officers have been advised that the auditing of the 2019/2020 financial and performance statements will not be completed in time to be considered at the Council meeting scheduled for the 29 September 2020.

This report is to cancel that meeting and propose an alternative date prior to the next scheduled Council meeting.

2. COUNCILLORS PANKHURST /PENTREATH

That Council:

1. In accordance with sub-rule 2.2.1(4) of the Governance Rules cancel the scheduled Council Meeting of the 29 September 2020.
2. Instruct the Chief Executive Officer to provide notice of the cancelation of the 29 September 2020 scheduled meeting via Council's website.
3. In accordance with sub-rule 2.2.2 of the Governance Rules, resolve to call an unscheduled meeting to be held virtually at 5:00pm on 7 October 2020, if required, to consider the following matters:
 - a) 2019/2020 Financial and Performance Statements;
 - b) Audit and Risk Committee Annual Report 2019-2020;
4. Request the Chief Executive Officer to provide notice of the meeting on Council's website, as soon as practicably after it is confirmed that the reports will be available.

5. **Confirm that if the unscheduled meeting on the 7 October 2020 is not required, that the business listed for consideration at that meeting be listed for consideration at the scheduled Council meeting on 13 October 2020.**

CARRIED

3. Conflict of Interest

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

4. Charter of Human Rights

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

5. Instrument of Delegation

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

6. Background

In accordance with Local Law No. 1 Meeting Procedures 2019 Council at its meeting on 23 June 2020 resolved to schedule a meeting for 29 September 2020.

On advice from Council's external auditor, it has been confirmed that the audited financial and performance statements will not be available in time for this meeting, which was the primary focus of that meeting.

Before the financial and performance statements are presented to Council, the statements must also be presented to the Audit and Risk Committee for their consideration and recommendation to Council.

It is therefore recommended that if the financial and performance statements are ready and have been considered by the Audit and Risk Committee, an unscheduled Council meeting be called for Wednesday 7 October 2020 to consider the 2019/2020 Financial and Performance Statements, as well as the Audit and Risk Committee Annual Report.

If this date does not align with the completion of the audit and review by the Audit and Risk Committee, then the 2019/20 Financial and Performance Statements and Audit and Risk Committee Annual Report will instead be presented to the scheduled 13 October 2020 Council meeting.

Council officers continue to work with the external auditors to reach the completion of the audit of the financial and performance statements. The key delay is related to the review of the valuation of assets data and the revaluation processes that had been performed during the reporting period.

In response to the COVID-19 pandemic the Minister for Local Government extended the timelines for Council to submit their 2019/2020 Annual Report that includes the audited Financial and Performance Statements to 30 November 2020.

7. Issues and Risk Management

Issues:

Based on the current agenda running list, the main report for the scheduled Council meeting on 29 September 2020 relates to the 2019/2020 Financial and Performance Statements. The auditing of these statements will not be concluded in time for this meeting.

The presentation of the 2019/2020 Financial and Performance Statements will need to be presented at either an unscheduled meeting on the 7 October 2020 or at the scheduled meeting on the 13 October 2020. The date will be determined based on the conclusion of the audit and the review of the prepared statements by the Audit and Risk Committee.

Risk:

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

8. Strategic Planning Environments

Strong and Engaged Communities	No Impact
Resilient Economy	No Impact
Healthy Environment	No Impact
Balanced Services and Infrastructure	No Impact
Responsible Management	The scheduling of Council meetings enables the business of Council to proceed and meet the statutory obligations under the <i>Local Government Act 2020</i> and meets the strategic objectives under responsible management.

9. Consultation

Internal consultation:

- Chief Executive Officer

External consultation:

- Audit and Risk Committee Chair
- External Auditor

16. Confidential Business

Confidential Business– Close

COUNCILLORS NEELE / WILSON

That pursuant to the provisions of the *Local Government Act 2020* (the Act), the meeting will now be closed to members of the public at 8:24pm in accordance with section 66(2)(a) of the Act to enable the meeting to consider four reports that contain confidential information as defined in section 3(1) of the Act as follows:

16.1. CEO Annual Review

- f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs*

The report pertains to the CEO's annual review and remuneration

16.2. Sale of 3 Greiner Court Tongala

- a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*

This report discloses information on confidential negotiations to date with potential purchaser, valuations of Council property and proposed recommendations of a commercial land sale.

- g) *private commercial information, being information provided by a business, commercial or financial undertaking that – (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

This report details confidential information supplied by the proposed purchaser the provided information and offer has been made as a part of confidential negotiations with Council.

COUNCILLORS PANKHURST /MUNRO

That Council:

1. **Commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* for the proposed sale of land comprised in certificate of title Volume 10671 Folio 116 Lot 5 on PS430972L, known as 3 Greiner Court, Tongala to Mitchell E Kelsey and Megan J Kelsey, trading as Megan and Mitchell Kelsey Partners (ACN 38859352065) for the consideration of \$7,000 excluding GST.**
2. **In the event that no submissions are received under Section 223 of the *Local Government Act 1989* in respect of the proposal:**
 - a) **Sell the land being Lot 5 on PS430972L, comprised in certificate of title Volume 10671 Folio 116 known as 3 Greiner Court, Tongala to Mitchell E Kelsey and Megan J Kelsey, trading as Megan and Mitchell Kelsey Partners (ACN 38859352065) for the consideration of \$7,000 excluding GST.**

CARRIED

16.3. Commercial Riverfront Property, 14 Watson Street, Echuca

- a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*

This report discloses information in confidential matters to be considered and determined on the future leasing of a prime commercial property, yet to be released on the market to the public

- h) *confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);*

This report relies on a former Council decision made in confidential meeting closed to the public 10 December 2019.

COUNCILLORS PENTREATH / MACKRELL

That Council:

- 3. Agree to undertake an expression of interest process to lease the property at 14 Watson Street, Echuca, in accordance with Council Policy 110 - Commercial Leasing and;**
 - a) Offer the property for use as a Kiosk/Cafe or function venue.**
 - b) Consider a rent-free period of up to 12 months.**
- 4. Note a further report will be returned for Council consideration following the completion of the Expression of Interest to Lease the property.**

CARRIED

16.4. Disposal of Land Former Rail Reserve Colbinabbin

- a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*

This report discloses information on confidential negotiations to occur with potential purchasers for the sale of the land.

- c) *land use planning information, being information that if prematurely released is likely to encourage speculation in land values;*

This report may cause speculation on the nature of future use and purchase price affecting the land value and adjoining properties within the same or similar zoning.

16.5. Disposal of Land Redundant Dam Sites Runnymede and Toolleen

- a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*

This report discloses information on confidential negotiations to occur with potential purchasers for the sale of the land.

- c) *land use planning information, being information that if prematurely released is likely to encourage speculation in land values;*

This report may cause speculation on the nature of future use and purchase price affecting the land value and adjoining properties within the same or similar zoning.

16.6. Sale of Land Part of Echuca Aerodrome Boundary Realignment

- a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*

This report discloses information on confidential negotiations with the proposed purchaser, contract conditions in sale of Council land and Council confidential sale valuation for the land.

COUNCILLORS WILSON / VICKERS

That Council:

1. **Commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* for the proposed sale of land approximately 20 square metres being part of Lot 2 on Plan of Subdivision 529165S, comprised in certificate of title Volume 10853, Folio 595, known as the Echuca Aerodrome, 176 McKenzie Road, Echuca.**
2. **In the event that no submissions are received under Section 223 of the *Local Government Act 1989* in respect of the proposal:**
 - a) **Sell the land being part of Lot 2 on Plan of Subdivision 529165S, comprised in certificate of title Volume 10853, Folio 595 to Rodney Newlyn, Peter George and Christine George for the consideration of \$4,000 inclusive of GST.**

CARRIED

16.7. C20023 – Provision of Haulage Services for Road Making Materials and Water

- g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
- (i) *relates to trade secrets; or*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

This report details confidential information regarding the tender pricing.

16.8. C20024 – Supply and/or Delivery of Rock and Quarry Materials

- g) *private commercial information, being information provided by a business, commercial or financial undertaking that (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

This report details confidential information regarding the supplier's pricing.

CARRIED

COUNCILLORS MUNRO / VICKERS

That Council in accordance with Council's Governance Rules extend the Council Meeting for an additional 30 minute block until 9:00pm.

CARRIED

Confidential Business - Open**COUNCILLORS MUNRO / VICKERS**

That Council, having considered all items of confidential business in accordance with section 66(2) of the *Local Government Act 2020*, open the meeting to the public at 9:02pm.

CARRIED

17. Close Meeting

There being no further business, the meeting concluded at 9:02pm.



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CR ADRIAN WESTON

MAYOR