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# Minutes



Minutes of the open section of the seventh Campaspe Shire Council held on Tuesday, 17 March 2020, commencing at 5:00pm at the Council Chambers, Echuca Civic Centre.

## Present

Councillors	Officers
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	Declan Moore – Chief Executive Officer Fleur Cousins – General Manager Corporate Services Jason Deller – General Manager Infrastructure Services Paul McKenzie – General Manager Regulatory and Community Services Keith Oberin – General Manager Economic and Community Development Frank Crawley – Governance Manager Bel Anderson – Communications Officer Sharolyn Taylor – Council Support Officer

## Business

### 1. Apologies and Requests for Leave of Absences

#### Apologies

Nil

#### Requests for Leave of Absence

Cr Munro requested a leave of absence for Monday 20 to Friday 24 April and Thursday 28 May to Monday 1 June 2020.

#### COUNCILLORS MUNRO / NEELE

**That a leave of absence be granted for Cr Kristen Munro for Monday 20 to Friday 24 April and Thursday 28 May to Monday 1 June 2020**

**CARRIED**

## 2. Confirmation of Minutes and Attachments

For the:

- Open section of the Council Meeting held on 18 February 2020
- The minutes of the Campaspe Briefing Session held on 4 February 2020
- The minutes of the Campaspe Briefing Session held on 11 February 2020
- The minutes of the Campaspe Briefing Session held on 18 February 2020

### **COUNCILLORS NEELE / MUNRO**

**That the following minutes be confirmed:**

- **Open section of the Council Meeting held on 18 February 2020**
- **The minutes of the Campaspe Briefing Session held on 4 February 2020**
- **The minutes of the Campaspe Briefing Session held on 11 February 2020**
- **The minutes of the Campaspe Briefing Session held on 18 February 2020**

**CARRIED**

## 3. Changes to the Order of Business

Nil

## 4. Declaration of Interests

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

*Local Government Act 1989 Section 79*

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

Councillors – Nil

Officers – as lodged with the CEO

## 5. Responsible Authority Decisions

Nil

## 6. Planning Authority Decisions

### 6.1. Council Planning Report – Amendment C111

**Author:**

Samuel Hockly, Planner

**Responsible Manager:**

Planning and Building Manager

**Attachments:**

6.1 C111 Case Book

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#### 1. Purpose

Report seeks approval to submit Amendment C111 to the Minister for Planning for Adoption in accordance with Section 31 of the *Planning and Environment Act 1987*.

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#### 2. COUNCILLORS PANKHURST / PENTREATH

**That Council as the Planning Authority:**

1. Determine to proceed in accordance with Section 23(1)(a) of the *Planning and Environment Act 1987* to change the amendment.
2. Adopt Amendment C111 to the Campaspe Planning Scheme.
3. Submit Amendment C111 to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*.

**CARRIED**

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#### 3. Conflict of Interest

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

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#### 4. Charter of Human Rights

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

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#### 5. Instrument of Delegation

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

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## 6. Background

The Campaspe Shire Council has prepared Amendment C111 to the Campaspe Planning Scheme.

The amendment is a concurrent rezoning and planning permit application under Section 96A of the *Planning and Environment Act 1987* (the Act). The site-specific rezoning at 35-41 Murray Valley Highway seeks to alter the Commercial 2 Zone (C2Z) to Commercial 1 Zone (C1Z) and to allow the use and development of the land for a supermarket with a leasable floor area up to 3,500 square metres and a maximum leasable floor area for shops (excluding a supermarket) to be 500 square metres.

The amendment also seeks to rezone land known as Part of Lot 1 PS521707 Murray Valley Highway, from C1Z to C2Z. This is to create one zoning for all of the lot and in effect prevent additional shops or an additional supermarket.

On 20 November 2018 Council agreed to request authorisation to prepare and exhibit Amendment C107. The amendment was exhibited for a period of one month, from 19 November 2019 to 19 December 2019 and has been carried out correctly. Council has received two submissions to the amendment, which have been considered.

- Coliban Water did not oppose the rezoning or development but requested conditions to be included in the planning permit.
- St Mary's Primary School Echuca raised concern to their land (Part Lot 1 PS521707) being rezoned from Commercial 1 Zone (C1Z) to Commercial 2 Zone (C2Z) and in relation to the development of the supermarket.

Under Section 23(1)(a) of the *Planning and Environment Act 1987*, the Planning Authority can change the amendment in the manner requested.

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## 7. Consultation

The Amendment has been exhibited pursuant to Section 19 of the *Planning and Environment Act 1987* and giving consideration to Council's own guidelines for the exhibition of planning scheme amendments by:

- Sending notice to immediately adjoining landowners/proprietors on 19 November 2019
- Sending notices sent to prescribed Ministers & Authorities on 19 November 2019
- Placing notice in local newspapers, namely:
  - Riverine Herald on 19 November 2019
- Community Information Session at Echuca on 5 December 2019
- Council's website
- Department of Environment, Land, Water and Planning website
- At Council's Echuca Head Office
- Placing notice in the Government Gazette on 21 November 2019

The exhibition has been carried out correctly. The exhibition period extended over a month, from 19 November 2019 to 19 December 2019.

## 8. Issues

### Issue 1: Coliban Water submission

Coliban Water did not oppose the rezoning or development but requested conditions be included in the planning permit. Council officers have contacted Coliban Water and agreed to the conditions and have received a written response agreeing.

### Issue 2: St Marys Primary School submission

St Mary's Primary School Echuca raised concern to their land (Part Lot 1 PS521707) being rezoned from Commercial 1 Zone (C1Z) to Commercial 2 Zone (C2Z).

Removing the proposed re-zoning of Part of Lot 1 PS521707 Murray Valley Highway (St Marys land), from C1Z to C2Z this would allow the owner/applicant to apply for a supermarket on the land. The *Echuca Commercial Strategy 2017* (the Strategy), recognises the subject land at 35-41 Murray Valley Highway, as the Neighbourhood Centre for Echuca West, and the suitable location for a full-line supermarket to support the future catchment needs of the Echuca West population.

The amendment has been prepared on the basis of the *Echuca Commercial Strategy 2017* and in recognition of the existing planning permit for the land at 35-41 Murray Valley Highway for a supermarket of 1,800 square metres (maximum allowed under the C2Z), along with a signalised intersection approved at this site. By not restricting potential development on the land owned by St Mary's could result in a saturation of supermarkets, contrary to the Strategy.

When comparing C1Z and C2Z, C1Z seeks "To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses". The C2Z in comparison seeks to "encourage commercial uses for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses and, and associated business and commercial services". The C1Z therefore allows for greater commercial development opportunities and for a full line supermarket to be considered.

Officers have considered the impact of not altering the zoning of St Marys land, but when reviewing the amendment documentation and the *Echuca Commercial Strategy 2017* the biggest impact is in relation to the development of a second supermarket in Echuca West. Therefore, preventing a certain type of use would achieve the same aim as rezoning part of the St Marys land.

It is therefore considered appropriate to enter into a Section 173 Agreement with St Mary's Primary School. The agreement would prevent the use and development of Part 1 of PS521707 for a supermarket until the Strategy has been gazetted and forms part of the Campaspe Planning Scheme. This agreement will ensure:

- Retain zoned Commercial 1 (unaltered), with no other perceived impact to adjoining owners or proprietors and as this would satisfy the submission, re-exhibition is therefore not considered necessary and this meets the requirements of Section 32 of the Act.
- That a supermarket cannot be developed on the C1Z land (irrespective of ownership) until the Strategy forms part of the Campaspe Planning Scheme. The Strategy has ample strategic direction for Echuca to ensure that any proposed future development is assessed on what is appropriate for the area, population and the surrounding commercial context.
- The Strategy is proposed to be introduced under Amendment C118 (Omnibus) which is presently being prepared and reviewed by Council prior to seeking authorisation in April 2020. This amendment information has been reviewed in draft by SMART Planning and DELWP.
- If the Strategy is not gazetted into the scheme as outlined above, the agreement will still have force and effect and prevent a supermarket. It is noted that once an agreement is signed and registered, it can only be removed with the consent of Council.
- The Strategy for this area (Echuca West) outlines that there is a requirement for a total retail floorspace of 5,000 square metres on C1Z and C2Z land (pg. 14 of Strategy). The supermarket and shops as proposed, will have a floor total area of 4,000 square metres (allowing for expansion), capped within the



Schedule to C1Z. Therefore, there is the potential need for an additional 1,000 square metres of retail floorspace which could be provided on the existing zoned land (St Marys). When considering St Mary's land, it is recognised that this is a block with limitations given the depth and need to provide a service road for access to and from the Murray Valley Highway. When providing appropriate access, parking and a built form with suitable setbacks to comply with the Design and Development Overlay Schedule 3 (DDO3), it is unlikely to be developed for a major supermarket or department store (retail giants), consistent with the trends and requirements specified in the Strategy (pg. 7).

- The St Marys land (in one title) abuts Coliban Street, which provides connection to the existing residential hinterland to the west. By not changing the zoning, any future development could have appropriate connectivity and be developed as a 'neighbourhood centre', consistent with the vision of the strategy.
- Council is presently preparing a Precinct Structure Plan (PSP) for Echuca West in conjunction with the Victorian Planning Authority (VPA). Council officers have agreed to make an addendum to the Strategy, which will form part of a separate scheme amendment. The addendum will recognise the need for additional commercial land to service the needs of the expanding residential population. By not altering St Marys current zoning and imposing the agreement, the need may in part be met.

It is noted that there is a valid planning permit (PLN032/2018) on Lot 1 PS521707 for the use and development of the land for an education centre (open sports ground with landscaping and irrigation). The permit was issued on 15 June 2018 and occupies the northern end of the lot wholly within the C2Z. Although the permit has not been acted upon, if it proceeded it would potentially limit the amount and style of development that could occur on the land in the C1Z.

St Marys have withdrawn their submission and provided written correspondence that they will enter into the agreement and that Council will pay for the preparation and execution.

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## 9. Options

### Option 1: Make changes to the amendment in accordance with Section 23(1)(a) of the Act

This option is recommended by officers.

As previously stated, making the requested changes in relation to Coliban Water and not altering the zone of Part of Lot 1 PS521707, owned by St Mary's Primary School satisfies all submissions and that there is no need to appoint a panel.

### Option 2: Adopt the amendment as submitted.

This option is not recommended by officers.

Progressing with the amendment as submitted would be contrary to the agreed changes after considering the submissions.

### Option 3: Refer the submission to an independent panel under Section 23(b) of the Act. The panel will be appointed by Planning Panels Victoria.

This option is not recommended by officers, as there are no outstanding submissions, subject to agreement. The changes are considered reasonable, consistent with the requirements of the Act and will ensure that the amendment is consistent with Councils adopted strategies.

### Option 4: Abandon the amendment.

This option is not recommended by officers.

Not progressing with the Amendment will restrict the use of the land at 35-41 Murray Valley Highway for a full-line supermarket and associated shops. As this has been identified within the Echuca Commercial Strategy

2017 and a planning permit has been previously issued (TPA188/2015), the site is considered appropriately sited for a neighbourhood centre to service Echuca West and the broader area.

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## 10. Strategic Planning Environments

Strong and Engaged Communities: No impact.

Resilient Economy: No impact.

Healthy Environment: No impact.

Balanced Services and Infrastructure: The recommendation supports Council in creating a neighbourhood centre which as set out in the Echuca Commercial Strategy 2017.

Responsible Management: As the Responsible Authority, Council has a responsibility to ensure that the objectives of planning in Victoria are fostered through appropriate use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

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## 11. Officer Comment

The amendment is a concurrent rezoning and planning permit application under Section 96A of the *Planning and Environment Act 1987* (the Act). The site-specific rezoning at 35-41 Murray Valley Highway seeks to alter the Commercial 2 Zone (C2Z) to Commercial 1 Zone (C1Z) and to allow the use and development of the land for a supermarket with a leasable floor area up to 3,500 square metres and a maximum leasable floor area for shops (excluding a supermarket) to be 500 square metres.

Rezoning the land is in keeping with the Echuca Commercial Strategy 2017 and will provide a neighbourhood centre to Echuca West and surrounding area.

## 7. Question Time

Nil

## 8. Acknowledgements

Nil

## 9. Council Decisions

### 9.1. Council Policy Review

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

**Attachments:**

- 9.1.1 Council Policy 109 – Air Travel – revised copy
  - 9.1.2 Council Policy 109 – Air Travel – current with tracked changes
  - 9.1.3 Council Policy 160 – Bird Management in Urban Areas
  - 9.1.4 Council Policy 023 – Assistance to Landcare Groups – to be revoked
- 

#### 1. Purpose

To present to Council two reviewed policies for adoption and one policy for revocation.

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#### 2. COUNCILLORS WILSON / PENTREATH

**That Council:**

- 1. Adopt the following reviewed Council policies:
  - a) Council Policy 109 – Air Travel
  - b) Council Policy 160 – Bird Management in Urban Areas
- 2. Revoke the following policies:
  - a) Council Policy 023 – Assistance to Landcare Groups.

**CARRIED**

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#### 3. Conflict of Interest

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

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#### 4. Charter of Human Rights

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

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#### 5. Instrument of Delegation

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

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## 6. Background

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

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

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

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

## 7. Content

A summary of the reviewed policies is listed below, the policies are also attached.

Policy No.	Policy Title	Purpose	Summary of Proposed Changes
<b>DIVISION – CORPORATE SERVICES</b>			
109	Air Travel	To establish clear and consistent guidelines for interstate and international air travel whilst on Council business.	<p>This policy has been reviewed by the relevant officers, and the Executive Management Group and Councillors.</p> <p>Changes to the policy include:</p> <ul style="list-style-type: none"> <li>▪ Purpose – clearer outline of officers able to book and approve air travel</li> <li>▪ International travel – more detailed process</li> <li>▪ Related policies – inclusion of two policies</li> <li>▪ Review period has been changed to four years in accordance with the policy review matrix assessment</li> </ul>
<b>DIVISION – REGULATORY AND COMMUNITY SERVICES</b>			
160	Bird Management in Urban Areas	To provide guidelines to clarify the responsibility for the control of native and introduced birds in urban areas.	<p>This policy has been reviewed by the Public Environments manager, the Executive Management Group and Councillors.</p> <p>Proposed changes include:</p> <ul style="list-style-type: none"> <li>▪ Addition of <i>Catchment and Land Protection Act 1994</i> as related legislation</li> <li>▪ Title change in the related policy</li> <li>▪ Change of review period to four years in accordance with the policy review matrix assessment.</li> </ul>

Policy No.	Policy Title	Reasoning for Revocation
<b>Council policies to be revoked</b>		
023	Assistance to Landcare Groups	This policy has been reviewed by the Environmental project officer, Public Environments manager, the Executive Management Group and Councillors. It is proposed to revoke this policy as groups are eligible for funding through Council's Community Grants scheme and Catchment Management Authority funding.

## 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

- 3 March 2020 Briefing session.

## **9.2. Electric Line Clearance Management Plan 2020 - 2021**

### **Author:**

Kate Lemon, Public Environments Manager

### **Attachments:**

9.2. Electric Line Clearance Management Plan 2020 - 2021

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### **1. Purpose**

To adopt the Electric Line Clearance Management Plan 2020 - 2021.

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

#### **That Council:**

- 1. Adopt the Electric Line Clearance Management Plan 2020 – 2021.**
- 2. Direct the CEO to publish a copy of the Electric Line Clearance Management Plan on the Council website.**
- 3. Direct the CEO to make the plan available at the Council's principal office.**

### **CARRIED**

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

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

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### **4. Charter of Human Rights**

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

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

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

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### **6. Background**

The *Electricity Safety Act 1998*, states that the Campaspe Shire Council is responsible for avoiding and minimising the impact of vegetation on power lines in the Declared Areas of Echuca, Kyabram and Rochester. Under regulation 9(2) of the Electricity Safety (Electric Line Clearance) Regulations 2015.

In order to meet these responsibilities Council must develop an Electric Line Clearance Management Plan and ensure it is reviewed annually prior to the regulated due date of 31 March. The plan must describe how Council will carry out electric line clearance works and the measures that are put in place to ensure compliance with the relevant Acts, Regulations, Codes of Practice, Rules and Standards. The annual review process is in place

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

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

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

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

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

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

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## 7. Content

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

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## 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.

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## 9. Strategic Planning Environments

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

**10. Consultation**Internal Consultation:

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

External Consultation:

- Energy Safe Victoria – Regulator



### **9.3. Rochester Caravan Park Water Allocation**

**Author:**

Paul McKenzie, Regulatory and Community Services General Manager

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**1. Purpose**

To request Council gift the Rochester Caravan Park Crown Land Committee of Management five megalitres of permanent high reliability raw water and 2.8 permanent low reliability raw water.

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**2. Recommendation**

That Council:

1. Acknowledge the water allocation for the Rochester Caravan Park was allocated to Council's ownership due to an administrative error at the time of unbundling.
2. Write to the Crown representative, DELWP explaining Council's intention to gift the water back and request the Crown agree to allocating the water to the Rochester Caravan Park Crown Land Reserve for use of the Committee of Managements in discharging its duties.
3. Subject to agreement from the Crown to the above, gift five megalitres of high reliability permanent water and 2.8 megalitres of low reliability permanent water on the Campaspe System to the Crown.

**COUNCILLORS WILSON / PANKHURST**

That Council:

1. **Acknowledge the water allocation for the Rochester Caravan Park was allocated to Council's ownership due to an administrative error at the time of unbundling.**
2. **Write to the Crown representative, DELWP explaining Council's intention to gift the water back and request the Crown agree to allocating the water to the Rochester Caravan Park Crown Land Reserve for use of the Committee of Managements in discharging its duties.**
3. **Subject to agreement from the Crown to the above, gift five megalitres of high reliability permanent water and 2.8 megalitres of low reliability permanent water on the Campaspe System to the Rochester Recreation Reserve Committee of Management Incorporated.**

**CARRIED**

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**3. Conflict of Interest**

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

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**4. Charter of Human Rights**

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

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## 5. Instrument of Delegation

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

## 6. Background

In July 2007 as part of Victoria irrigation reform water was “unbundled”. Unbundling refers to the process that separated water from land and divided an irrigator's water entitlements into components which could be readily transferred and/or sold. The process was administrated by Goulburn Murray Water and saw a shift to a modern electronic system that provided sales and tracked usage. It was during this time of significant change that the water attached to the Rochester Caravan Park Crown Land Reserve where Council held the role as land manager was provided the water as landowner instead of the Crown. Council owns almost one thousand megalitres of water across the Goulburn and Murray water systems and uses the water in its businesses and services on behalf of the community. Many of these accounts are small holdings of stock and domestic water and the Caravan Park was one of these.

At its July 2018 meeting Council determined to relinquish its Committee of Management (CoM) status of the Rochester Caravan Park and recommended that the Rochester Recreation Reserve CoM be appointed by DELWP as the new CoM. Subsequently the transfer of responsibilities occurred.

In February 2020 after an enquiry from the Rochester Recreation Reserve CoM in regard to raw water it was discovered that the water assets originally attached to the Reserve had not been allocated to the Crown but to Council. The water assets in question amounted to 5 megalitres of high reliability water and 2.8 megalitres of low reliability water.

## 7. Content

The water allocation for the reserve has always been used in the functioning of the caravan park and has never been drawn on by Council for any other use. The CoM's request came due to an inability for them to use the Caravan Park water account as GMW had no authorisation documentation to indicate the CoM could access Council owned water. To address the immediate requirements Officers provided access to the water accumulated on the Caravan Park water account and indicated that they would bring the matter to Council for resolution.

Goulburn Murray Water has confirmed the water shares and delivery point allocated to the site. Council is the current legal owner of the water and has no obligation to gift the water back to the Crown. However, the water assets were gained through an administrative error. It was not intended that Council should own the water and in all other Crown properties (managed by Council) that have water attached, the water assets are managed by Council through a Standing Direction by the Minister for Environment and Climate Change.

Council has never used the water for any other purpose than to water the caravan park grounds and it has never been consolidated with other Council water assets for sale on the temporary market. Without the water assets the CoM would be forced to purchase water either on the temporary or permanent markets as it is essential for the business that the park is green.

While the value of temporary and permanent water varies daily dependant on seasonal and weather conditions an indicative value can be obtained from the market. The below table shows the estimated value of the assets based on the water market dated 04/03/2020.

Campaspe System – 4A	HRWS	LRWS
Permanent	\$3,000	\$400
Temporary	\$520	

## 8. Issues and Risk Management

### Issues:

Council has no obligation to give the water back to the Crown. However, Council has derived no benefit from holding the water and has not used the water other than in the discharge of its duties as the former CoM for the site and therefore its loss would have little or no impact on its operations. Alternatively, without the water the community based Committee of Management will be financially penalised if it is forced to purchase water on the market to support the Caravan Park operations.

If Council does gift the water to the Crown, there is no guarantee that the water will be passed on for use at the Rochester Caravan Park Reserve. Council will need to reach agreement with DELWP that any water it gifts is to be allocated for use at the Rochester Caravan Park. While this is not legally binding, it is unlikely that the Crown would withhold the water for other uses.

### 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: Gift the water back to the Crown for use by the CoM at the Rochester Caravan Park

This option is recommended by officers.

### Option 2: Council retain the water assets

The water came to Council via an administrative error. The financial impact on a community based CoM will likely be difficult to absorb. It would not have been Council's intention to transfer CoM responsibilities for the Caravan Park without consideration of the water needs. In normal circumstances the water would have been available to which ever organisation took on the management responsibility.

This option is not recommended by officers.

## 10. Strategic Planning Environments

Strong and Engaged Communities	The viability of the Recreation Reserve Committee of Management is increased and provides the opportunity to be directly involved in the management of its recreational assets
Resilient Economy	The viability and profitability of the Rochester Caravan Park is enhanced with access to water that is used to ensure the facility is welcoming and attractive
Healthy Environment	No impact
Balanced Services and Infrastructure	No impact
Responsible Management	Gifting the water back to where it was intended demonstrates Council's commitment to ethical and responsible management

## 11. Consultation

Consultation has been undertaken with the Council's Property and Legal Manager, the Commercial Operations Manager and the Economic and Community Development General Manager.

## **9.4. Echuca Moama Bridge Project Update**

**Author:**

Richard Conway, Asset Manager

**Attachments:**

9.4 Echuca Moama Bridge Project Incorporate Document

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### **1. Purpose**

To give Council an update on the Echuca Moama Bridge project and to identify concerns with the project's design progress.

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### **2. Recommendation**

That Council:

1. Note the progress of the Echuca Moama Bridge project.
2. Write to Major Road Projects Victoria identifying concerns with the designs provided and the lack of information in key areas primarily around the interface with Victoria Park.
3. Write to Major Road Projects Victoria requesting the active transport bridge over the Campaspe River remain a State asset once constructed.
4. Consider endorsement of the Echuca Moama Bridge project design once concerns have been addressed.

### **COUNCILLORS PANKHURST / MACKRELL**

That Council:

1. **Note the progress of the Echuca Moama Bridge project.**
2. **Write to Major Road Projects Victoria identifying concerns with the designs provided and the lack of information in key areas primarily around the interface with Victoria Park.**
3. **Write to Major Road Projects Victoria requesting the active transport bridge over the Campaspe River remain a State asset once constructed.**
4. **Consider endorsement of the Echuca Moama Bridge project design once concerns have been addressed.**
5. **Write to Major Road Projects Victoria requesting the Echuca Moama Bridge Project Communications Plan.**

### **CARRIED**

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

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

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#### 4. Charter of Human Rights

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

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#### 5. Instrument of Delegation

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

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#### 6. Background

In October 2019 the Federal Government announced the award of the **second** Murray River crossing at Echuca. The crossing is the result of support of all key stakeholders (both councils, both State road authorities and Indigenous representatives of the respective areas) and remains the highest priority river crossing project amongst the Murray River Group of Councils.

Stage three of bridge works have been awarded to McConnell Dowell, with construction of this stage imminent. Since that time Council has been engaging with the contractor and Major Road Projects Victoria (MPRV) to reach a mutually acceptable final outcome.

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#### 7. Issues and Risk Management

##### Issues:

##### Issue 1: Information Flow

Council has been seeking designs so that it can make comment for consideration by McConnell Dowell and Major Road Projects Victoria. It is important that changes can be considered before work commences in the next 3-4 weeks. There are still design packages yet to be received including the interface work between the bridge and Victoria Park along with the new pedestrian bridge across the Campaspe River.

Unfortunately, the information has yet to be made available as staff would have expected. For example the road layout has yet to be provided so the interactions with the caravan park, local road network, Victoria Park and the Boat Ramp is still unknown. These are extremely important factors for Council and the community.

Issues identified in reviewing the drainage and flood overlay plans supplied so far have indicated several areas of concern including but not limited to:

##### Impact on the existing drainage network:

- Drains appear to be depositing to unformed drains or to already developed infrastructure that may not have the capacity to manage it.
- Drainage details for the amendments to Crofton Street are not complete.
- The details of how drainage on the west side of the bridge is managed is incomplete and could represent a risk for Council.
- The hydraulics of flood events don't seem to have been taken in to account in the development of the flood and drainage works.

##### Alignment of paths and interaction with Victoria Park and ongoing ownership of property:

Further detail is required regarding the alignment of the access track including:

- Swept path analysis of the track alignment to ensure safe access for users. A definable method of safely separating pedestrians from traffic on this road isn't clearly shown.
-

- Pedestrian and Walking and Cycling access requires further information as to how those provided interact with the proposed network within the space from the Master Plan: particularly the connection where the path returns to grade after crossing the Murray river near the realigned road access and how this will be managed safely.
- Three fire tracks are to be made inaccessible by the design and adequate access must be maintained into the space for fire and emergency services.
- The continuation of pedestrian and vehicle access to Scenic Drive and the Campaspe/Murray Junction. The vehicle access/walking track continues west from the end of the court bowl, along the northern bank of the Campaspe River. Although the existing access can be seen on the provided plans, there is no details of the track/court bowl interface shown and no mention of it to be shown as part of the detailed design.
- Car parking at the boat ramp has decreased and still needs to be reviewed in light of the masterplan and expectations. The number of trees requiring removal needs to be clearer especially as the impacted trees are outside the bridge alignment so presumptively would be on top of the number of trees hypothesised in the bridge development.
- Council are to be gifted an active transport bridge at the end of the project which crosses the Campaspe River. The design package has not been received for comment. As this is likely to be an asset Council is to inherit in perpetuity there are concerns as the maintenance and renewal risks. Draft information given informally indicated a river level bridge which may capture flood debris which would be a risk to users and Council. It would also require additional costs for maintenance. The project contractor has yet to formally give Council the design or an opportunity to comment on any draft.

### **Risk:**

Risk	Likelihood	Consequence	Rating	Mitigation action
The final outcome of the project is a road, drainage or bridge infrastructure that is difficult to manage or causes problems to users or the community	Medium The timeframe the contractor is required to deliver to has restricted the amount of time available for engagement and amendment. Council is not in control of the process or contractor.	High As some of the assets would not be Council's to rectify the impact would possibly be community or township size and ongoing.  In the case of the footbridge and some of the drainage and road the asset would be Councils and the amendment or removal costs are into the millions which would be unplanned and undepreciated cost.	High	Continued engagement with the contractors and MRPV to get Councils perspective into the designs.

## **8. Options**

### **Option 1: Note the progress of the Echuca Moama Bridge project:**

Write to MRPV identifying the concerns of staff as to the designs provided and the lack of information in key areas primarily around the interface with Victoria Park.

Write to MPRV requesting the active transport bridge over the Campaspe River remain a State asset once completed.

Consider endorsement of the Echuca Moama Bridge project design once the concerns of staff are addressed.

Council needs to do all it can to ensure the outcome of the second bridge crossing project will have a positive impact on the shire. Formally requesting resolution of the issues identified adds weight to the request by staff to solve the problems and lack of information identified. It also puts on the public register the items identified so that the community are aware of the efforts staff are making on their behalf.

Without the design package for the active transport bridge comments on the long term financial impacts cannot be considered. It is an additional asset and maintenance cost which is not supported by staff.

This option is recommended by officers.

Option 2: Note the issues and deem no further action necessary.

Note the issues and accept the designs provided along with the interface with Victoria Park. This is not a suggested way forwards as the issues identified are of prime importance to key issues, such as drainage and use of the Victoria Park land, which will impact large sections of the community in the long term.

This option is not recommended by officers.

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## 9. Strategic Planning Environments

Strong and Engaged Communities	The users of Victoria Park have been engaged in the process of developing the masterplan continuing engagement with the state on this project is important to see their vision implemented.
Resilient Economy	The project will set up the infrastructure for large parts of Echuca for generations, so it is important to advocate courageously for the economic life of the town.
Healthy Environment	Drainage and flood management is a key input into a healthy sustainable environment. Ensuring the apt development of these items, and road infrastructure is vital.
Balanced Services and Infrastructure	Many of the assets developed by the project will be inherited by Council. Advocating for the right assets, in the right format is therefore of central importance to Council.
Responsible Management	Council takes an active interest in the financial and operational responsibilities it will take on as part of the project. Continuing to seek a better resolution to the project is important to ensure Council remains sustainable in the long term.

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## 10. Consultation

### Internal consultation:

- Design Technical Officer
- Assets Manager
- Planning Manager
- Infrastructure Manager
- Recreation Manager

- Property and Legal Manager
- Commercial Operations Manager
- General Manager Infrastructure Services
- General Manager Regulatory and Community Services

External consultation:

- McConnell Dowell Construction.



## 10. Council Information

### 10.1. Assembly of Councillors Records

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

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**1. Purpose**

To present to Council the open records for the Assemblies of Councillors held in the month of February 2020.

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**2. COUNCILLORS MUNRO / NEELE**

**That Council note the Assemblies of Councillors records.**

**CARRIED**

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**3. Conflict of Interest**

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

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**4. Charter of Human Rights**

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

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**5. Instrument of Delegation**

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

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**6. Background**

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

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

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

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

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## 7. Content

The following Assemblies of Councillors were held in the month of February 2020:

Meeting Information			
Meeting Name/Type	Campaspe Briefing Session		
Meeting Date	4 February 2020		
Start time:	9:30am	Finish time:	3:55pm
Matters Discussed	<div>1. Welcome, present and apologies</div> <div>2. Declaration of Interests</div> <div>3. Business Arising</div> <div>3.1. Cr Wilson Email</div> <div>3.2. Cr Mackrell's Apology</div> <div>3.3. Campaspe East Timor Association in Friendship Memorandum of Understanding</div> <div>3.4. Coronavirus</div> <div>3.5. Echuca Moama Torrumbarry Flood Study</div> <div>3.6. Paddlesteamers</div> <div>4. Delegation - Active Transport Echuca East Group</div> <div>5. Capital Works Program Project Management Framework</div> <div>6. Major Road Projects Victoria - update on the Echuca Moama Bridge Project</div> <div>7. Echuca Moama Torrumbarry Flood Study Update - presentation of Flood Study Report</div> <div>8. Kyabram Flood Study Update</div> <div>9. Greater Shepparton City Council Notice of Motion – Interest in Conducting a Regional Rural Land Use Strategy Review</div> <div>10. Policy Review</div> <div>11. Policy Review – 067 Horse Drawn Carriage Rides</div> <div>12. Briefing Review</div> <div>13. Meeting Close</div>		
Attendees			
Councillors	Adrian Weston (Mayor), Daniel Mackrell, Vicki Neele, Neil Pankhurst, Leanne Pentreath (9:49am – 3:55pm), Annie Vickers (9:30am – 3:52pm), Leigh Wilson, John Zobec		
Staff	Declan Moore, Fleur Cousins, Keith Oberin, Paul McKenzie (9:55am – 3:33pm), Jason Deller, Sharolyn Taylor		
Apologies			
Councillors	Cr Kristen Munro		
Conflict of Interest disclosures			
Matter No.	Councillor/officer making disclosure		Left meeting: Yes/No
8	Cr Weston		Yes
11	Cr Pankhurst		Yes

Meeting Information			
Meeting Name/Type	Audit and Risk Committee Meeting		
Meeting Date	5 February 2020		
Start time:	12:00pm	Finish time:	2:00pm
Matters Discussed	<div>1. Appointment of Chairperson</div> <div>2. Farewell &amp; Welcome</div> <div>3. Adoption of Previous Minutes</div> <div>4. Quarterly Financial Report</div> <div>5. Budget Preparation, Management Assumptions and Key Parameters</div> <div>6. Policies for Audit and Risk Committee Review</div> <div>7. CSC Risk Management Framework and Risk Policy</div> <div>8. CSC Strategic Risk Register</div> <div>9. Audit and Risk Committee Work Plan</div> <div>10. Internal Audit Report - Accounts receivable and Debtor Management</div> <div>11. Asset and Project Management System and Process Review</div> <div>12. ICT Security Penetration Testing Overview and Outcomes Update</div> <div>13. Summary of Actions from Audit and risk Committee</div> <div>14. Internal Audit Program Status Update</div> <div>15. External Audit Work Plan</div> <div>16. Past Issues Review and Outstanding Internal Audit Actions</div> <div>17. Review of Internal Auditor/Risk Committee Performance Evaluation</div> <div>18. For Information</div> <div>19. 2020 Meeting Dates</div> <div>20. Administration</div> <div>21. Next Meeting</div>		
Attendees			
Councillors	Cr John Zobec, Cr Leanne Pentreath		
Staff	Declan Moore, Fleur Cousins, Ailsa Box, Donna Standfast, Jason Deller, Sue Walker, Matthew McPherson		
Apologies	Nil		
Conflict of Interest disclosures			
Matter No.	Councillor/officer making disclosure		Left meeting: Yes/No
Nil			

Meeting Information			
Meeting Name/Type	Campaspe Briefing Session		
Meeting Date	11 February 2020		
Start time:	9:30am	Finish time:	3:24pm
Matters Discussed	<div><div>1.</div>Welcome, present and apologies</div> <div><div>2.</div>Declaration of Interests</div> <div><div>3.</div>Business Arising<div><div>3.1.</div>Community Safety Meeting</div><div><div>3.2.</div>Communication Reports</div></div> <div><div>4.</div>Councillor Code of Conduct</div> <div><div>5.</div>Port Precinct Concept Plan</div> <div><div>6.</div>Rushworth Streetscape Project Update</div> <div><div>7.</div>Local Bridges Update</div> <div><div>8.</div>Paramount Theatre Future Use</div> <div><div>9.</div>Arts and Culture Strategy</div> <div><div>10.</div>Better Approvals Project</div> <div><div>11.</div>Policy Review</div> <div><div>12.</div>Briefing Review</div> <div><div>13.</div>Meeting Close</div>		
Attendees			
Councillors	Adrian Weston (Mayor), Daniel Mackrell (10:03am – 3:24pm), Vicki Neele, Neil Pankhurst, Leanne Pentreath, Leigh Wilson (9:49am – 3:24pm), John Zobec (9:30am – 3:07pm)		
Staff	Declan Moore, Fleur Cousins (9;30am – 11:35am) (2:33pm – 3:24pm), Keith Oberin, Paul McKenzie (10:13am – 12:55pm), Jason Deller, Sharolyn Taylor		
Apologies			
Councillors	Cr Annie Vickers, Cr Kristen Munro		
Conflict of Interest disclosures			
Matter No.	Councillor/officer making disclosure		Left meeting: Yes/No
Nil			

Meeting Information			
Meeting Name/Type	Campaspe Briefing Session		
Meeting Date	18 February 2020		
Start time:	12:34pm	Finish time:	3:32pm
Matters Discussed	<div><div>1. Welcome, present and apologies</div><div>2. Declaration of Interests</div><div>3. Business Arising<div>3.1. Community Safety Meeting</div><div>3.2. Communication Reports</div></div><div>4. Council Meeting Agenda – Open Q &amp; A</div><div>5. Council Meeting Agenda – Confidential Q &amp; A</div><div>6. Communication Reports</div><div>7. Monthly Performance Reporting – Procurement Report</div><div>8. Monthly Performance Reporting – Finance Report</div><div>9. Monthly Performance Reporting – Operational Reports</div><div>10. Monthly Performance Reporting – Capital Works</div><div>11. Monthly Performance Reporting – Council Resolutions for Action</div><div>12. Briefing Minutes Review</div><div>13. Meeting Schedule</div><div>14. Councillor Portfolio and Committee Updates, Reports from Conferences and Training attended</div><div>15. General Discussion and Question Time<div>15.1 Kyabram Fauna Park Wetlands</div></div><div>16. Briefing Review</div><div>17. Meeting Close</div></div>		
Attendees			
Councillors	Adrian Weston (Mayor) (2:34pm – 3:32pm), Daniel Mackrell (1:16pm – 3:32pm), Kristen Munro, Vicki Neele, Neil Pankhurst, Leanne Pentreath, Annie Vickers, Leigh Wilson, John Zobec		
Staff	Declan Moore, Fleur Cousins, Keith Oberin, Paul McKenzie (12:47pm – 3:26pm), Jason Deller, Sharolyn Taylor		
Apologies			
Councillors	Adrian Weston (12:34pm – 2:34pm)		
Conflict of Interest disclosures			
Matter No.	Councillor/officer making disclosure		Left meeting: Yes/No
4-9.3	Cr Pankhurst		Yes
7	Cr Mackrell		Yes

## 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: No impact

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**10. Consultation**

Nil.

## **10.2. Letters of Appreciation**

The following have been received:

- Life Saving Victoria – sincere thank you and gratitude to the staff from the Campaspe Shire Council for helping to achieve a successful Bush Nippers pilot program held recently.

The feedback received from the program has been incredibly positive and this is due to the wonderful staff who delivered the program. The participants felt comfortable in the program and this was due to seeing so many familiar faces and the staff going above and beyond to ensure fun was had by all.

- Neville Hunter – thank you for the quick action taken to spray the Caltrop along South Boundary Road, between Lake Road and Cooma Road. The plants are dead and at this stage there is no reinfestation.
- Echuca Wool & Craft Group – thank you for the installation of a handrail at Alton Gallery. It is much appreciated by the members.

### **COUNCILLORS NEELE / MUNRO**

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

**CARRIED**

### **10.3. Responsive Grants Program**

**Author:**

Bobbi Aitken, Civic Events and Grants Officer

**Responsible Manager:**

General Manager Economic and Community Development

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**Purpose**

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

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**1. COUNCILLORS PENTREATH / ZOBEC**

That Council note the following grant has not been approved in accordance with the Responsive Grants Program guidelines and criteria and applicant advised in writing:

- Kyabram Town Hall Inc - \$1,000 to assist with the Living Heritage – Rathbone Collection to be held at the Kyabram Town Hall from 6 April until 30 June 2020.

**CARRIED**

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**2. Conflict of Interest**

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

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**3. Charter of Human Rights**

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

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**4. Instrument of Delegation**

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

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**5. Background**

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

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This month, the following applications have been received:

Organisation	Amount Requested	Amount Recommended	Purpose	Comment
Kyabram Town Hall Inc	\$1,000	\$0	To assist the Living Heritage – Rathbone Collection to be held at the Kyabram Town Hall from 6 April until 30 June 2020	Not approved by CEO – did not meet assessment criteria

**Fund Balance Prior to application approval:** \$20,136.50

**Funding approved:** \$0

**2019/2020 Fund Balance: (17 March 2020)** \$20,136.50

## 6. 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.

## 7. Strategic Planning Environments

Strong and Engaged Communities: This funding source provides support to Responsive Grants Program requests for community initiatives.

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: This annual budget allocates funding for Responsive Grants Program requests for community initiatives.

## 8. Consultation

Nil

## **10.4. Audit and Risk Committee Meeting Minutes**

**Author:**

Linda MacRae, Audit and Risk Committee Chairperson

**Attachments:**

10.4. Draft Minutes of the Audit and Risk Committee meeting held on 5 February 2020.

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**1. Purpose**

To note and adopt the Audit and Risk Committee Meeting Draft Minutes of the meeting held on 5 February 2020.

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**2. COUNCILLORS PENTREATH / ZOBEC**

**That Council note the Draft Minutes of the Audit and Risk Committee meeting held on 5 February 2020 subject to confirmation by the Audit and Risk Committee.**

**CARRIED**

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**3. Conflict of Interest**

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

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**4. Charter of Human Rights**

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

---

**5. Instrument of Delegation**

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

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**6. Background**

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

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

## 7. Content

### Meeting: 5 February 2020

The 5 February Audit and Risk Committee meeting was attended by:

Members: Michael Bennett, Linda MacRae, Simone Knight, Cr Leanne Pentreath, Cr John Zobec

Officers: Declan Moore (Chief Executive Officer), Fleur Cousins (General Manager Corporate Services), Ailsa Box (Finance Manager), Jason Deller (General Manager Infrastructure Services), Donna Standfast (Corporate Support Executive Assistant), Sue Walker (Items 10 and 11), Matthew McPherson (Item 14)

Affiliate Member: Ray Warren

Internal Auditor: Brad Ead (AFS and Associates)

External Auditor: Nil

Apologies: Nil

Items discussed at the meeting were:

- Appointment of Chairperson
- Farewell and Welcome
- Adoption of Previous Minutes
- Quarterly Financial Report
- Budget Preparation, Management Assumptions and Key Parameters
- Policies for Audit and Risk Committee Review
- CSC Risk Management Framework and Risk Policy
- CSC Strategic Risk Register
- Audit and Risk Committee Work Plan
- Internal Audit Report - Accounts Receivable and Debtor management
- Asset and Project Management System and Process Review
- ICT Security Penetration Testing Overview and Outcomes Update
- Summary of Actions from Audit and Risk Committee
- Internal Audit Program Status Update
- External Audit Work Plan
- Past Issues Review and Outstanding Internal Audit Actions
- Review of Internal Auditor/Risk Committee Performance Evaluation

Refer to Attachment 10.4 for copy of the Draft Minutes of 5 February 2020.

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

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

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## **9. Strategic Planning Environments**

Strong and Engaged Communities:	No impact
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	No impact
Responsible Management:	Audit reviews and findings are a critical aspect in the implementation of appropriate governance within the organisation. Control risks are reviewed, identified and actions implemented ensuring organisational risk and exposure are minimised

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## **10. Consultation**

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

## **10.5. Local Government Inspectorate Investigation Outcome - Cr Annie Vickers**

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

**Attachments:**

10.5 Local Government Inspectorate Investigation Outcome letter

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**1. Purpose**

For Council to note the outcome of the Local Government Inspectorate (Inspectorate) Investigation into allegations that Cr Annie Vickers breached provisions of the *Local Government Act 1989* (Act).

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**2. COUNCILLORS VICKERS / MUNRO**

**That Council note the investigation outcome by the Local Government Inspectorate into allegations that Cr Annie Vickers breached provisions of the *Local Government Act 1989*.**

**CARRIED**

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**3. Conflict of Interest**

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

In accordance with section 79C(1)(j) of the Act, a Councillor does not have a conflict of interest if the matter only relates to the conduct of a Councillor with respect to an allegation of misconduct or serious misconduct (as defined in section 81A) by the Councillor.

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**4. Charter of Human Rights**

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

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**5. Instrument of Delegation**

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

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**6. Background**

The Local Government Inspectorate (the Inspectorate), as part of its role, undertakes investigations into complaints against Councillors and Council staff who are alleged to have breached the Act.

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## **7. Content**

The Inspectorate by letter dated 14 February 2020 addressed to the Chief Executive Officer, Mr Declan Moore has advised of their findings and outcome of an investigation into allegations that Cr Annie Vickers breached provisions of the Act. A copy of the letter is at Attachment 10.5.

Their investigation is a timely reminder for all Councillors to be fully aware of their responsibilities relating to interest declarations and conflicts of interest.

## 11. Councillor Reports

Cr Adrian Weston	
20 February	Regional Councils Mayor and Deputy Mayor's Meeting
22 February	Postie Bike Ride
23 February	Loddon Murray Community Leadership Program - Opening Retreat Echuca
24 February	Kow (Ghow) Swamp LOWMP Meeting
24 February	Australian and New Zealand Railway Institutes Official Opening Dinner
25 February	Site Tour - Coolabah Turf
28 February	Loddon Campaspe Councils Meeting
28 February	Official launch of the 2019 Active Living Census
5 March	MRGC Meeting
15 March	Rich River Rod Run 2020 Show and Shine

Cr Daniel Mackrell	
5 March	Planning Information Session - PLN332/2019
8 March	Echuca Cup

Cr Kristen Munro	
25 February	Site Tour - Coolabah Turf
28 February	Business Clean Up Day
5 March	Planning Information Session - PLN332/2019
6 March	Kyabram Rodeo
8 March	Echuca Cup
13 March	2020 Beacon Business Breakfast
13 March	Community Safety Meeting (CCTV)

Cr Vicki Neele	
20 February	Regional Councils Mayor and Deputy Mayor's Meeting
21 February	St Augustine's Talk
25 February	Site Tour - Coolabah Turf
26 February	Echuca Moama & District Tourism Board Meeting
26 February	Kyabram CWA Meeting
28 February	Business Clean Up Day
1 March	Legends of Mountain Kyabram
2 March	EMFM Radio
6 March	Kyabram Rodeo

Cr Neil Pankhurst	
20 February	Gus Balbontin presentation to Secondary Schools
22 February	Tongala President's Night
25 February	Site Tour - Coolabah Turf
28 February	Business Clean Up Day

Cr Neil Pankhurst continued	
5 March	Planning Information Session - PLN332/2019
6 March	Kyabram Rodeo
8 March	Echuca Cup
11 March	C4EM International Women's Day Event
17 March	Echuca Moama Torrumbarry Flood Study Reference Committee

Cr Leanne Pentreath	
25 February	Site Tour - Coolabah Turf
28 February	Business Clean Up Day
2 March	Port Precinct Working Group Meeting
5 March	Planning Information Session - PLN332/2019
16 March	Port Precinct Working Group Meeting

Cr Annie Vickers	
25 February	Site Tour - Coolabah Turf
5 March	Planning Information Session - PLN332/2019
8 March	Echuca Cup
11 March	C4EM International Women's Day Event
13 March	2020 Beacon Business Breakfast
13 March	Community Safety Meeting (CCTV)
17 March	Echuca Moama Torrumbarry Flood Study Reference Committee

Cr Leigh Wilson	
21 February	Rochester Mural Festival "Meet the artists dinner"
28 February	Business Clean Up Day
13 March	Community Safety Meeting (CCTV)

Cr John Zobec	
2 March	Port Precinct Working Group Meeting
16 March	Port Precinct Working Group Meeting

## COUNCILLORS PENTREATH / PANKHURST

The Councillor Reports be noted.

**CARRIED**



## 12. Chief Executive Officer's Report

Activities and meetings attended since the previous Council meeting

- Monthly media briefing
- Meeting with Murray River Council General Manager
- Meeting with Dja Dja Wurrung representatives
- Business Clean Up day
- Murray River Council Executive meeting
- Port Precinct Working Group meeting
- Murray River Group of Councils meeting
- Nanneella Community Inc meeting
- Meeting with Member for Murray Plains, Peter Walsh MP
- Meeting with Kaiela Institute
- Meeting with Court Services Victoria
- Meeting with Rushworth Community representatives

### **COUNCILLORS MUNRO / VICKERS**

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

**CARRIED**

## **13. Petitions and Letters**

### **13.1. Petition - Kow Swamp Picnic Area Erosion**

Cr Pentreath tabled a petition on behalf of Warwick Hawken and community representatives regarding the erosion at the Kow Swamp Picnic Area.

#### **COUNCILLORS PENTREATH / MUNRO**

**That the petition received from Warwick Hawken and community members concerning assistance in stopping the erosion at Kow Swamp be tabled and given the significant amount of attention already been given by Council on this matter write to Goulburn Murray Water (GMW) on behalf of the petitioners requesting them to take urgent action to address the erosion problem at Kow Swamp.**

**CARRIED**

## 14. Notices of Motion

### **14.1. Notice of Motion Response - Complaints and Actions Against Councillors**

**Author:**

Frank Crawley, Governance Manager

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**1. Purpose**

To note the details of complaints against current Councillors including civil defamation actions, complaints under the Councillor Code of Conduct and complaints lodged with the Victorian Local Government Inspectorate.

---

**2. COUNCILLORS VICKERS / PANKHURST**

**That Council note the 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

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**4. Charter of Human Rights**

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

---

**5. Instrument of Delegation**

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

---

**6. Background**

At the 18 February 2020 Council meeting the following resolution was adopted:

That the Council request the CEO provide a report for the current Council detailing the number of complaints and actions taken against Councillors in each of the following categories together with the respective costs:

- a) Civil including defamation
- b) *Local Government Act 1989*
- c) Councillor Code of Conduct

## 7. Content

The following details are provided in response:

### Civil including defamation

Due to the confidential nature of this item details are included in the Confidential section of the Council meeting.

### Local Government Act and Councillor Code of Conduct

The following complaints were managed through the internal dispute resolution procedures in the Councillor Code of Conduct:

Breach	Number
Social Media Policy	4
Media Policy	2
Social and Media Policy	1
Inappropriate Behaviour	5
Conflict of Interest	2
Meeting Procedures	3
Release of Confidential Information	1
Total	18

Council's legal costs for code of conduct complaints was \$16,850. Actions from the complaints were that one Councillor issued an apology at a Council Meeting and Council directed that two Councillors issue an apology on their Facebook accounts.

The following complaints were investigated by the Local Government Inspectorate:

Complaints Investigated by the Local Government Inspectorate	Number
Conflicts of Interest	6
Release of Confidential Information	1
Improper Use of Resources	1
Not properly declaring interests in returns	1
Not declaring bias	1
Total	14

<b>Grand Total</b>	<b>32</b>
--------------------	-----------

The Local Government Inspectorate has issued 2 warning letters to one Councillor. All other complaints were not substantiated. The Local Government Inspectorate is a State body and therefore doesn't charge Council for their investigations.

---

## **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	Nil
Resilient Economy	Nil
Healthy Environment	Nil
Balanced Services and Infrastructure	Nil
Responsible Management	An organisation that is responsive, flexible, honest, accountable and consistent.

---

## **10. Consultation**

Nil

## **14.2. Notice of Motion Response - Complaints and Actions Taken Against Councillors of the Current Council and Immediate Previous Council**

### **Author:**

Frank Crawley, Governance Manager

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### **1. Purpose**

To provide information in response to a Council resolution of 18 February 2020 to on details of complaints against Councillors of the current Council and immediate previous Council including complaints under the Councillor Code of Conduct and complaints lodged with the Victorian Local Government Inspectorate.

---

### **2. COUNCILLORS NEELE / MACKRELL**

**That Council note the 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

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### **4. Charter of Human Rights**

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

---

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

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

---

### **6. Background**

At the February 2020 Council Meeting the Council resolved to request the CEO provide a report for the current and immediate previous Council detailing the number of complaints and actions taken against Councillors in each of the following categories together with respective costs:

- a) *Local Government Act 1989*
  - b) Councillor Code of Conduct
- 

### **7. Content**

#### **Current Council**

Local Government Act and Councillor Code of Conduct

The following complaints were managed through the internal dispute resolution procedures in the Councillor Code of Conduct:

---

<b>Breach</b>	<b>Number</b>
Social Media Policy	4
Media Policy	2
Social and Media Policy	1
Inappropriate Behaviour	5
Conflict of Interest	2
Meeting Procedures	3
Release of Confidential Information	1
<b>Total</b>	<b>18</b>

Council's legal costs for code of conduct complaints was \$16,850.

The following complaints were investigated by the Local Government Inspectorate

<b>Complaints Investigated by the Local Government Inspectorate</b>	<b>Number</b>
Conflicts of Interest	6
Release of Confidential Information	1
Improper Use of Resources	1
Not properly declaring interests in returns	5
Not declaring bias	1
<b>Total</b>	<b>14</b>

<b>Grand Total</b>	<b>32</b>
--------------------	-----------

The Local Government Inspectorate has issued 2 warning letters to one Councillor. All other complaints were not substantiated. The Local Government Inspectorate is a State body and therefore doesn't charge Council for their investigations.

#### Immediate previous Council

The following complaints were investigated by the Local Government Inspectorate:

<b>Complaints Investigated by the Local Government Inspectorate</b>	<b>Number</b>
Conflicts of Interest	5
Release of Confidential Information	1
<b>Total</b>	<b>6</b>

In addition; one complaint was managed internally with the aid of a firm of solicitors:

Council has failed to provide a safe workplace for some of the Councillors

The solicitor's costs were \$29,605.

---

## **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	Nil
Resilient Economy	Nil
Healthy Environment	Nil
Balanced Services and Infrastructure	Nil
Responsible Management	An organisation that is responsive, flexible, honest, accountable and consistent.

---

## **10. Consultation**

Nil



### **14.3 Notice of Motion Response - Local Government Inspectorate Reports**

**Author:**

Declan Moore, Chief Executive Officer

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**1. Purpose**

To provide a response to questions raised by way of a Notice of Motion by Cr Mackrell and approved by Council at its meeting of 18 February 2020.

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**2. COUNCILLORS MACKRELL / PANKHURST**

**That Council note the report.**

**CARRIED**

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**3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest regarding this matter, but notes that he was the decision maker with respect to the tabling of the reports and is the author of this report.

---

**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**

By way of an approved Notice of Motion, Cr Mackrell asked:

That the Council request the CEO provide a report to the 17 March 2020 ordinary meeting detailing his rationale for:

Tabling letter Local Government Inspectorate Outcome Cr Vickers Attachment 8.3 at the 28 January 2020 Ordinary Council meeting contrary to the recommendation addressed to Cr Adrian Weston Mayor.

Tabling letter Local Government Inspectorate Outcome Cr Mackrell Attachment 8.4 at the 28 January 2020 Ordinary Council meeting addressed to Mr Declan Moore Chief Executive Officer.

Rationale:

To ensure Council's transparency in the public interest as related to the elected members of Council.

To ensure learnings are captured and process improvements are implemented.

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## 7. Content

### Part a)

On 7 November 2019 the CEO received an email advice from Ms Aeron Rice (Senior Investigator and Inspector of Municipal Administration with the Victorian Local Government Inspectorate), in which she advised:

*“Please find attached an outcome letter for an investigation by the Local Government Inspectorate. A separate letter has been sent to the Mayor, requesting that a copy be tabled before Council.”*

While both the Local Government Act and Council’s Local Law No 1 (Meeting Procedures) use the term ‘tabled’, neither define the term.

The CEO has long understood the term to mean - to present formally for discussion/consideration/decision at a meeting.

Therefore, the CEO’s rationale for presenting the report to Council was to give effect to the Inspectorate’s request; because it is the Administration that develops the agenda papers for the Council’s consideration.

An alternate interpretation, influenced by the general practice with respect to petitions, would have been for the Mayor to announce his receipt of the document at a Council meeting and hand it to the Administration on the night, for them to present to a subsequent meeting.

In either case, the correspondence would have been presented to Council.

### Part b)

The second Inspectorate Report was presented to Council in order to help ensure Council’s transparency in the public interest as it relates to the elected members of Council.

The community has been made aware, through various media over some considerable period of time, that complaints have been made against Councillors under the Code of Conduct and/or the Local Government Act, there is therefore legitimate public interest in the outcome of investigations about their Elected Representatives (Local, State and /or Federal).

Consistent with this principle, this Agenda contains another report from the Inspectorate.

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## 8. Issues and Risk Management

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

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## 9. Strategic Planning Environments

Strong and Engaged Communities	N/A
Resilient Economy	N/A
Healthy Environment	N/A
Balanced Services and Infrastructure	N/A
Responsible Management	Public reporting of the outcome(s) of Investigations into allegations that a Councillor has breached the Code of Conduct and/or the Local Government Act contributes to ensuring Council’s transparency in matters of public interest.

---

## 10. Consultation

Not applicable

## 15. Urgent Business

Nil

**COUNCILLORS MUNRO / VICKERS**

The meeting be adjourned for media and community liaison at 6:20pm for 10 minutes.

**CARRIED**

**COUNCILLORS MUNRO / ZOBEC**

The meeting be resumed at 6:30pm.

**CARRIED**

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

**COUNCILLORS MACKRELL / WILSON**

That pursuant to the provisions of the *Local Government Act 1989*, the meeting will now be closed to members of the public at 6:31pm to enable the meeting to discuss matters in items 17, 18, 19 and 20 which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

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

**CARRIED**

## **17. Confirmation of Confidential Minutes and Attachments**

## **18. Confidential Council Information**

## **19. Confidential Business**

## **20. Confidential Council Meeting Close**

## **21. Items Determined to be no Longer Confidential**

**COUNCILLORS PANKHURST / MUNRO**

That the resolutions of items 19.1, 19.3 and 19.4 be no longer confidential.

**CARRIED**

### **19.1. Occupancy of Customs House and Shop 1 Shackell Bond Store, Echuca**

**COUNCILLORS PANKHURST / WILSON**

That Council:

1. Agree to offer a licence agreement for a period of up to two years to Ms Ali Farrell for the property known as Customs House 2 Leslie Street, Echuca in accordance with Council Policy 161; and
2. Agree to undertake an expression of Interest process to licence the property known as Shop 1, Shackell Bond Store, Echuca to a Local Community Organisation or Artisan for a period of up to two years, in accordance with Council Policy 161.

The motion was put to the vote and was **CARRIED**

A division was called

Those in favour of the motion: Crs Pentreath, Pankhurst, Weston, Mackrell, Wilson

Those against the motion: Crs Zobec, Neele, Vickers, Munro

### **19.3. Funding request for Kyabram Fauna Park Reptile House**

#### **COUNCILLORS NEELE / MUNRO**

**That Council:**

- 1. Agree to provide up to \$200,000 to the Kyabram Fauna Park to fund a new capital project to support the return of the reptile house to operational status, by renewal or replacement subject to:**
  - a. Entering a Funding Agreement with the Kyabram Fauna Park that details the terms of the allocation and use of the funding, being:**
    - i. Funds are not to be used for any remedial works to the building to maintain its use prior to renewal or replacement works being undertaken;**
    - ii. The funding agreement in no way commits Council to ongoing support for the property and/or ongoing maintenance and renewal of any facilities on the site. This remains the sole responsibility of the Kyabram Fauna Park;**
    - iii. Any funds not expended on the renewal or replacement of the reptile house are to be returned to Council; and**
    - iv. A full acquittal of funds used on the renewal or replacement of the reptile house is to be provided to Council within 18 months of entering into the Funding Agreement.**
- 2. Advise the Kyabram Fauna Park Committee of Management of its decision and the reasons for it.**
- 3. Direct the Kyabram Fauna Park Committee of Management to undertake immediate remedial works to ensure the ongoing safe operation of the Reptile House, in accordance with the advice provided by an independent structural engineer's report.**
- 4. Make public the Council resolution once Council has advised the Kyabram Fauna Park Committee of Management of its decision.**

**The motion was put to the vote and was CARRIED**

### **19.4. CEO Probation Review**

#### **COUNCILLORS WILSON / PENTREATH**

**The Committee recommends the Chief Executive Officer has successfully completed the probationary period as stipulated in his contract of employment and that his appointment be confirmed.**

**The motion was put to the vote and was CARRIED unanimously**

## 22. Open Meeting to the Public

**COUNCILLORS NEELE / WILSON**

That Council resolves to open the meeting to the public at 7:59pm

**CARRIED**

## 9. Council Decisions

### 9.5. 2019/20 Budget Review

**Author:**

Ailsa Box, Finance Manager

#### 1. Purpose

To present to Council the mid-year budget review.

#### 2. Recommendation

That Council:

1. Endorse the budget review report and that monthly internal financial reporting for the remainder of 2019/2020 will be against the mid-year budget review figures not the original adopted budget.
2. Allocate amounts from the identified savings of \$1,491,000, to the following projects:

i. Groves Weir Bridge independent assessment, Level 3 inspection	\$50,000
ii. Emergency works on Slipway	\$50,000
iii. Review of Heritage Bridges, including Old Stewarts Bridge	\$50,000
iv. Refurbish lower level of the Civic Centre to accommodate staff currently housed in rented premises	\$300,000
v. Replace IT switching gear and Wi-Fi at Council Service Centres	\$76,000
vi. Install customer self-services kiosks at service centres	\$25,000
vii. Progress additional works on missing links footpath program	\$250,000
viii. Purchase of a Bobcat (Skid Steer) for the Echuca and District Livestock Exchange soft fall maintenance	\$80,000
ix. Replacement of damaged town entrance feature, Kyabram	\$10,000
Total:	\$891,000

## 3. Consider allocating savings to the following projects:

i. Kyabram Fauna Park reptile house emergency works	\$200,000
ii. Purchase of round table and chairs for Echuca Library	\$1,500
iii. Gargarro Regional Botanic Gardens lateral roads	
a) Supply of rock; or	\$32,000
b) Supply and delivery of rock; or	\$36,000
c) Supply, delivery and installation of rock.	\$62,000
iv. Traffic management of the Aquatic Reserve	\$75,000
v. Toolleen Recreation Reserve – Asphalted Repairs to Driveway	\$13,000
Total:	\$_____

## 4. Allocate all remaining savings, after funding agreed projects, to:

- i. reduce the principal of a fixed interest loan, acknowledging that a break fee will be incurred; or
- ii. reduce the principal of a variable interest loan, where no fees will be incurred.

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

1. **Endorse the budget review report and that monthly internal financial reporting for the remainder of 2019/2020 will be against the mid-year budget review figures not the original adopted budget.**
2. **Allocate amounts from the identified savings of \$1,491,000, to the following projects:**

i. Groves Weir Bridge independent assessment, Level 3 inspection	\$50,000
ii. Emergency works on Slipway	\$50,000
iii. Review of Heritage Bridges, including Old Stewarts Bridge	\$50,000
iv. Refurbish lower level of the Civic Centre to accommodate staff currently housed in rented premises	\$300,000
v. Replace IT switching gear and Wi-Fi at Council Service Centres	\$76,000
vi. Install customer self-services kiosks at service centres	\$25,000
vii. Progress additional works on missing links footpath program	\$250,000
viii. Purchase of a Bobcat (Skid Steer) for the Echuca and District Livestock Exchange soft fall maintenance	\$80,000
ix. Replacement of damaged town entrance feature, Kyabram	\$10,000
Total:	\$891,000

## 3. Consider allocating savings to the following projects:

i. Kyabram Fauna Park reptile house emergency works	\$200,000
ii. Purchase of round table and chairs for Echuca Library	\$1,500
iii. Gargarro Regional Botanic Gardens lateral roads supply and delivery of rock	\$36,000

<b>iv. Traffic management of the Aquatic Reserve</b>	<b>\$75,000</b>
<b>v. Toolleen Recreation Reserve – Asphaltting Repairs to Driveway</b>	<b>\$13,000</b>
<b>Total:</b>	<b>\$ 325,500</b>

4. **Allocate all remaining savings, after funding agreed projects, to reduce the principal of a fixed interest loan, acknowledging that a break fee will be incurred.**

## **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**

Each year council officers conduct a review of the adopted budget; this is carried out in December. This gives officers an opportunity to adjust the budget based on the previous five months of actual expenses and revenue compared to what was originally budgeted. Consideration is also given to any changes that have occurred since the budget was set and adopted.

### **7. Content**

Having conducted a review of the 2019/20 Budget an additional surplus of \$2,817,000 has been forecast taking the overall annual surplus to \$6,098,000. In addition to this a further \$1,491,000 has been identified as savings for reallocation to a range of unfunded projects that can be delivered within the remaining 3 ½ months of the financial year.



## 2019/20 Budget Forecast Profit and Loss

Consolidated Profit and Loss Statement for Period ending 30 Jun 2020	Budget	Forecast	Variance to Forecast	
	\$000	\$000	\$000	%
			Fav/(UnFav)	Fav/(UnFav)
<b>Revenue</b>				
Rates and Charges	37,158	37,483	325	1%
Waste Charges	6,432	6,240	(191)	(3%)
Grants Commission	11,848	12,009	161	1%
Recurrent Grants State	1,953	1,864	(88)	(5%)
Recurrent Grants Federal	1,626	1,709	83	5%
Non-recurrent Grants State	1,669	3,404	1,735	51%
Non-recurrent Grants Federal	2,233	3,209	976	30%
User Fees and Charges	17,739	17,611	(128)	(1%)
Non Cash Contributions	0	0	0	
Interest Income	1,176	1,426	250	18%
<b>Total Revenue</b>	<b>81,833</b>	<b>84,955</b>	<b>3,122</b>	<b>4%</b>
<b>Expenses</b>				
Employee Expenses	34,814	33,722	1,092	3%
Materials and Services	26,443	28,870	(2,427)	(8%)
Overheads	0	0	0	0%
Recovery - Labour	(2,377)	(2,408)	31	1%
Recovery - Plant	(343)	(380)	37	10%
Depreciation	19,008	19,008	0	0%
Finance Costs	252	187	65	35%
<b>Total Expenses</b>	<b>77,796</b>	<b>78,999</b>	<b>(1,202)</b>	<b>(2%)</b>
<b>Operating Surplus/Deficit</b>	<b>4,037</b>	<b>5,957</b>	<b>1,920</b>	<b>0</b>
Asset Adjustments	756	(141)	897	<(100%)
<b>Net Surplus/Deficit</b>	<b>3,281</b>	<b>6,098</b>	<b>2,817</b>	<b>0</b>

The significant adjustments that have been required compared to the Adopted Budget are as follows:

### Income

- Additional rate income has been raised due to new development occurring across the Shire. Waste charges income is less than budgeted due to a slower than expected take up of the food organic bin service, rolled out in 2019/20.
- The Commonwealth Government's Financial Assistance Grant received was greater than what was estimated when the budget was set.
- Additional grant income has been received for the Echuca Moama flood study, Murray Darling Basin grant for Rochester, Rochester flood resilience, Finance and Accounting Support Team (FAST) grant.
- Additional grant income is being recognised for a Riverfront Grant received in 2018/19 as income in 2019/20 as required by accounting standards.
- Income from Aged Care is significantly under budget due to less demand for services as clients choose to use other service providers.

- Additional interest has been earned due to greater cash reserves being available to invest and better than budgeted interest rates being earned.

### **Expenses**

- Savings in employee expenses are due to vacancies across the organisation while recruitment takes place. Some of the savings will be offset by the use of contractors or consultants to allow continuity of service delivery.
- The increase in materials and services is due to expenditure for funds received in prior years and expenditure related to additional grant income received that was not in the adopted budget.
- Sale of surplus land and industrial land by the Shire will be offset by the need to write off assets that have been renewed but had a remaining written down value.

When considering options for the reallocation of savings, a number of unfunded projects have been identified by Council officers on the basis that the projects have the capability of being delivered prior to the end of the financial year. In addition to those projects identified, an alternative use of funds would be to repay either in full or in part a fixed interest rate loan with an interest rate of 6.4%, currently valued at \$981,810. Contrary to previous advice provided to Councillors, there is a fee associated with the early repayment of this loan and Council officers are liaising with the bank to further establish the anticipated fee that would be applied if the principal of the loan was repaid in full or in part as well as exploring possible refinancing options of this loan. A further alternative would be to make a payment in full or in part of one of the variable interest loans held by Council that is not subject to any penalty fees.

In discussion with Council at the Councillor Briefing held on 10 March 2020, a number of additional projects were identified for consideration including the purchase of additional tables and chairs for the Echuca Library, provision of support to the Gargarro Regional Botanic Gardens for the formation of lateral roads, provision of support to the Toolleen Recreation Reserve for the asphalt repair to the driveway, delivery of the Waranga Trail portion within the Campaspe Shire and the installation of solar panels to Council buildings. In reviewing these projects in light of the parameter of needing to be delivered by the end of the financial year, the delivery of the Waranga Trail and installation of solar panels are not considered achievable. In relation to the provision of support to the Gargarro Regional Botanic Gardens, there are a range of options at different costs and are provided on the basis that the necessary ground works have been completed to enable the formation of the lateral roads.

All costs for individual projects are estimates and are GST exclusive amounts. Any unused funds from individual projects can be redirected into the amount used to repay one of the loans held by Council in accordance with Council's resolution.

Following endorsement of the 2019/20 Budget Forecast, monthly internal financial management reporting will be against the reforecast budget, not the original adopted budget.

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## **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:	A robust budget process supports the efficient use of resources and to support Council to deliver on its identified strategic objectives across all five themes of the Council Plan.

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## 10. Consultation

### Internal Consultation:

- Council officers
- Finance Manager
- Executive Management Team


### External Consultation:

- Councillors at the 10 March 2020 Council Briefing Session.

The Mayor acknowledged that Frank Crawley, Governance Manager's last day with Campaspe Shire Council is this Friday 20 March 2020, and on behalf of all Councillors expressed thanks to Mr Crawley for all his support and advice over his time with Council.

## 23. Close Meeting

There being no further business, the meeting concluded at 8:14pm.

  
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**Cr Adrian Weston**

**Mayor**