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# Minutes



Minutes of the open section of the seventh Campaspe Shire Council held on Tuesday, 18 February 2020, commencing at 5:00pm at the Council Chambers, Echuca Civic Centre.

## Present

| Councillors                   | Officers  |
|-------------------------------|---|
| Cr Adrian Weston (Mayor)      | Declan Moore – Chief Executive Officer                            |
| Cr Vicki Neele (Deputy Mayor) | Fleur Cousins – General Manager Corporate Services                |
| Cr Daniel Mackrell            | Jason Deller – General Manager Infrastructure Services            |
| Cr Kristen Munro              | Paul McKenzie – General Manager Regulatory and Community Services |
| Cr Neil Pankhurst             | Keith Oberin – General Manager Economic and Community Development |
| Cr Leanne Pentreath           | Frank Crawley – Governance Manager                                |
| Cr Annie Vickers              | Sandra Ennis – Communications Manager                             |
| Cr Leigh Wilson               | Sharolyn Taylor – Council Support Officer                         |
| Cr John Zobec                 |   |

## Business

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

#### Apologies

#### Requests for Leave of Absence

Cr Vicki Neele requested a leave of absence for 24 March 2020

#### COUNCILLORS ZOBEC / VICKERS

A leave of absence be granted to Cr Vicki Neele for 24 March 2020

CARRIED

## **2. Confirmation of Minutes and Attachments**

For the:

- Open section of the Council Meeting held on 28 January 2020
- The minutes of the Campaspe Briefing Session held on 14 January 2020
- The minutes of the Campaspe Briefing Session held on 28 January 2020

### **COUNCILLORS PENTREATH / ZOBEC**

That the following minutes be confirmed:

- **Open section of the Council Meeting held on 28 January 2020**
- **The minutes of the Campaspe Briefing Session held on 14 January 2020**
- **The minutes of the Campaspe Briefing Session held on 28 January 2020**

**CARRIED**

## **3. Changes to the Order of Business**

### **COUNCILLORS NEELE / MUNRO**

That the recommendation to adjourn the meeting for media and community liaison be moved to after item 15.

**CARRIED**

## 4. Declaration of Interests

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

*Local Government Act 1989 Section 79*

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

**Cr Neil Pankhurst declared an indirect conflict by way of conflicting duties in item 9.3**

## 5. Responsible Authority Decisions

### 5.1. Council Planning Report – Murray Valley Highway Echuca Vic 3564, PLN268/2019

**Mr Andrew Grey addressed Council in relation to item 5.1**

**Mr Andrew Beaumont addressed Council in relation to item 5.1**

**Ms Geraldine Ryan addressed Council in relation to item 5.1**

**Mr Brendan Atley addressed Council in relation to item 5.1**

|  |  |
|--|--|
| Allocated officer:                               | Emily Hardy, Planner   |
| Responsible Manager:                             | Planning and Building Manager  |
| Application No:                                  | PLN268/2019  |
| Date Received:                                   | 9 October 2019   |
| Applicant:                                       | Cardno Engineering Consultant  |
| Proposal:  | Use and development of the land for a Service Station and internally illuminated Business Identification Signage in the Commercial 2 Zone and Design and Development Overlay Schedule 3, creation of access to a Road in a Road Zone Category 1 pursuant to Clause 52.29 and removal of native vegetation (3 trees) pursuant to Clause 52.17 |
| Subject Site:                                    | Murray Valley Highway ECHUCA VIC 3564  |
| Zoning:  | Commercial 2 Zone (C2Z)  |
| Overlays:  | Design and Development Overlay Schedule 3 (DDO3)   |
| Under what clause(s) is a permit required?:      | Clause 34.02-1, Clause 34.02-4, Clause 43.02-2<br>Clause 52.05-11, Clause 52.17-1 and Clause 52.29-2   |
| Restrictive covenants on the title?:             | None   |
| Current use and development:                     | Vacant land  |
| Is a Cultural Heritage Management Plan required: | No   |
| Objections:                                      | Four (4) objections (including a joint objection with 12 signatures)   |

#### 1. Summary Recommendation

It is recommended that Council as the Responsible Authority issue a Notice of Decision to Grant a Permit subject to conditions.

#### 2. Conflict of Interest

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

### 3. Charter of Human Rights

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

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### 4. Instrument of Delegation

This report has considered the Instrument of Delegation (S6) by Council. This report is required as the delegation does not allow officers to determine a planning application where there is a significant community interest.

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### 5. Proposal

The application proposes the use and development of the land for a service station, the creation of a new access and egress to the Murray Valley Highway which is a Road Zone Category 1 (RDZ1), the display of internally illuminated business identification signage and the removal of native vegetation.

The service station will be 24-hours and will contain a convenience restaurant with an area of 404m<sup>2</sup>, located centrally within the site. The service station is setback 12.9m from the Murray Valley Highway and 6m from Lot 2, proposed for future development along Bridlington Avenue. The setback to residential land to the west will be 28m. The site will be accessed via a two-way service lane (to be constructed) that connects to the Murray Valley Highway to the east. There is no access to Bridlington Avenue.

The building will have a maximum height 4.75m and will be contemporary in design, constructed from a mixture of materials including Colourbond, concrete, powder coated mesh and wood form expression. The east and west elevation will contain glass doors. Two canopies will be located to the south and west of the service station with areas of 270m<sup>2</sup> and 229m<sup>2</sup> with heights of 6.8m to 4.5m to accommodate cars and trucks. The canopies fascia will have colours and signs associated with the business operator.

Business identification signage will be provided throughout the site including a 60m<sup>2</sup> (15m high and 4m wide) internally illuminated pylon sign comprising the business name and logo, 'Velocity frequent flyer', 'Bowser Bean', 'bp ultimate' and fuel prices. The sign will adjoin the Murray Valley Highway located on the eastern boundary. A number of other internally illuminated signage is proposed on the buildings with display being "BP Echuca" and 'Bowser Bean Café'.

The proposal will have a total of fourteen (14) parking spaces located north and east of the service station and includes the construction of a truck parking area to accommodate up to five (5) b-double trucks. In addition, four (4) staff bicycle parking spaces and two (2) bicycle parking spaces for patrons of the convenience restaurant are accommodated on-site.

As part of the proposal an acoustic fence is proposed on the western boundary adjoining the residential zoned land. The fence will have heights between 2m to 3.9m and will include landscaping around the periphery of the site.

The proposal also includes the removal of three (3) Grey Box and one (1) unknown dead species trees scattered across the site and within the Murray Valley Highway to allow for the proposed the service road.

The remaining portion of the site being approximately 3,980m<sup>2</sup> of land to the south of the site fronting onto Bridlington Avenue will remain vacant and does not form part of this application.

The application was accompanied detailed plans, a Traffic Impact Assessment Report prepared by Trafficworks dated 19 September 2019, an acoustic assessment report prepared by Clarity Acoustics dated 3 October 2019 and a Biodiversity Assessment Report.

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## 6. Subject Site and Locality

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

The site formally referred to as Lot 6 on PS406204W is irregular in shape with a total area of 1.42ha. The site is largely cleared with the exception of a number of scattered native trees. The surrounding area is mixed use, with sensitive interfaces adjoining the site to the west being residential dwellings and a primary school to the south. The site has frontage onto Bridlington Avenue to the south and Murray Valley Highway to the east, which is a Road Zone Category 1.

The main locality characteristics are as follows:

- Directly north of the subject site is a vacant block of land located within the Commercial 2 Zone. To the north is a large roundabout where three roads join, being Murray Valley Highway, Warren Street and Mount Terrick Road.
- The road reserve of Murray Valley Highway adjoins the site to the east. Further to the east of the site is an established residential area located approximately 90m from the site, which generally have back fencing to the highway.
- To the south of the site is land within the Commercial 2 Zone awaiting future development. To the south-west of the site is St Mary's Catholic Primary School on the southern side of Bridlington Avenue.
- To the west of the site are existing dwellings located within the General Residential Zone (GRZ) within Whitby Close and Dover Court with access to the close and court located from Bridlington Avenue.

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## 7. Permit/Site History

Not applicable.

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## 8. Public Notification

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

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

The notification has been carried out correctly and four (4) objections were received including a joint objection with 12 signatures. Under the *Section 57(2B) (4) of the Planning and Environment Act 1987* "If a number of persons makes one objection, it is sufficient compliance with sections 64(1) and 65(1) if the responsible authority gives the notice – (a) to the person name under subsection (3); or (b) if no name and address is given under subsection (3) to one of the persons who made the objection".

The objections can be summarised as follows;

- The impacts of a 24-hour commercial use backing onto a Residential Zone
- Environmental and amenity impacts (air quality) on residents and students including the proximity of flammable fuels at the nearby St Mary's Primary School
- The safety of school students and staff at the nearby St Mary's Primary School
- The effects of 24-hour lighting and glare created from roofing
- Noise disturbance created by trucks using the facility
- Construction of a 3.9m wall/fence



- Potential for property devaluation
- Oversupply of service stations in the area
- Encouraging junk and fast food in the area which in turn could attract late night revellers
- Concerns that the business type does not align with the Campaspe Shire Council's Echuca Commercial Strategy 2017

These issues have been considered in the assessment of the planning application.

**Figure 1: Subject site and surrounds**



(VicPlan 2019)

|              |   |
|--------------|---|
| Legend       |   |
| Subject Site | ★ |
| Objections   | ● |

Not all objectors can be shown on the above map

## 9. Consultation

A consultation meeting was undertaken on Wednesday the 20 November 2019 in Echuca. A number of objectors attended, and the application and concerns were discussed. Although the concerns were discussed there was no resolution at the meeting.

## 10. Referrals

The application has been referred to one (1) external authorities and two (2) internal Council Department. The following table makes note of the type of information requested; whether consent was given and whether conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

| Referral Authority                          | Type of Referral | Consent/ Approve Proposal | Request Permit Conditions | Any other advice notes |
|---|------------------|---------------------------|---------------------------|------------------------|
| Regional Roads Victoria (Roads Corporation) | Section 55       | Yes                       | Yes                       | No                     |
| Internal Department                         | Type of Referral | Consent/Approve Proposal  | Request Permit Conditions | Any other advice notes |
| Design and Road Services                    | Comments         | Yes                       | Yes                       | No                     |
| Environmental Health Department             | Comments         | Yes                       | Yes                       | No                     |

## 11. Assessment

### Planning Policy Framework (PPF)

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

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

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

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

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

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

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

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

### **Local Planning Policy Framework (LPPF)**

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

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

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

#### Relevant Objective

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

#### Strategies

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

### **Clause 21.09 Local Areas**

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

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

This clause focuses on local implementation of the objectives and strategies of the Campaspe Planning Scheme, including for Commercial Areas. The Central Business District (CBD) Precinct Master Plan identifies that

“Murray Valley Highway and Northern Highway (Ogilvie Avenue) plays an important complementary role in the town's commercial hierarchy. Although it was traditionally an industrial area, Murray Valley Highway and Northern Highway (Ogilvie Avenue) now accommodates a broad range of land uses, including uses that benefit from highway exposure.”

## **Zoning**

**Clause 34.02 Commercial 2 Zone** Encourages commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. The Clause also seeks to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

A permit is required to for the use of the land for a service station pursuant to Clause 34.02-1 as a Section 2 Use in addition to construct a building or carry out works pursuant to Clause 34.02-4.

## **Overlays**

**Clause 43.02 Design and Development Overlay** Identifies areas which are affected by specific requirements relating to the design and built form of a new development.

**Schedule 3 – Northern and Murray Valley Highways Precinct Echuca.** Seeks to create a vibrant and active highway business precinct and to reinforce the inherent 'big box' character of the surrounding commercial area. The schedule outlines specific requirements including building height, setbacks, fencing. A permit is required to construct or carry out works pursuant to Clause 43.02-2.

## **Relevant Particular Provisions**

**Clause 52.05 Signs** - Provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character. Ensure signs do not contribute to excessive visual clutter or visual disorder.

Signage in the C2Z is Category 1 – Commercial Areas (Clause 52.05-11). A permit is required for business identification signage if it exceeds 8m<sup>2</sup> and internally illuminated signs if they exceed 1.5m<sup>2</sup>.

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

Clause 52.06 does not specify the number of car spaces required for a service station, and car spaces must be provided to the satisfaction of the Responsible Authority pursuant to Clause 52.06-6. The applicant has provided fourteen (14) car spaces on site with an additional five (5) spaces for truck parking.

**Clause 52.17 Native Vegetation** - Aims to ensure that there is no net loss of biodiversity due to the removal, destruction or lopping of native vegetation.

A permit is required for the removal of three (3) native trees pursuant to Clause 52.17-2.

**Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road** - To ensure appropriate access to identified roads as well as appropriate subdivision of land adjacent to identified roads.

A permit is required to create or alter access to a Road Zone, Category 1 pursuant to Clause 52.29-2.

**Clause 52.34 Bicycle Facilities** - To ensure adequate bicycle parking spaces are provided with any necessary facilities and to encourage cycling as a mode of transport.

A convenience restaurant with an area of 80m<sup>2</sup>, with one space per 25m<sup>2</sup> of floor area available to the public (four spaces) and staff (two spaces). The applicant has provided four (4) appropriately secured staff bicycle parking spaces and two (2) parking spaces for patrons at the convenience restaurant. This meets the requirement for bicycle parking pursuant to Clause 52.34-5.

## **General Provisions**

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

**Clause 71.02-1 Purpose of the Planning Policy Framework** is to provide a context for spatial planning and decision making by planning and responsible authorities, seeking to ensure that the objectives of planning in

Victoria are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

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

### **Clause 73.02 Sign Terms**

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

Internally illuminated sign - A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.

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

Service station – “Land used to sell motor vehicle fuel from bowsers, and lubricants. It may include the:

- a) selling of motor vehicle accessories or parts;
- b) selling of food, drinks and other convenience goods;
- c) hiring of trailers;
- d) servicing or washing of motor vehicles; and
- e) installing of motor vehicle accessories or parts.”

Relevant documents

- Council Plan 2017-2021
- Echuca Commercial Strategy 2017 was adopted in May 2017. The strategy provides a detailed assessment of the demand and supply for retail and commercial development in Echuca and presents recommendations to guide the future development of Echuca’s commercial areas.

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## **12. Summary of Key Issues**

The following is a summary of the relevant planning issues, considering planning principles and issues raised by objectors. The proposal has been assessed against the Local and State Planning Policy Framework, Commercial 2 Zone, Design and Development Overlay Schedule 3, Clause 52.05 Signs, Clause 52.06 Car Parking, Clause 52.17 Native Vegetation, Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road, Clause 52.34 Bicycle Facilities and the decision guidelines of Clause 65.

Clause 17.01 encourages commercial activities of various natures to meet community needs. The subject site has historically been designated for commercial use, even prior to the introduction of the New Format Campaspe Scheme in 1998. The *Echuca Commercial Strategy 2017* adopted by Council in May 2017 encourages the site (and surrounding area) to be developed for restricted retail and bulky good retailing. This includes car yards, caravan and boat sales, camping and outdoor retailing, etc.

The development will maintain the Town Centre’s primacy as the retail and service hub, consistent with the Echuca Commercial Strategy and Clause 21.07-2 which states that “*the development of commercial centres within the existing towns is essential, so that the community is provided with a comprehensive range of goods and services.*” The proposal is in an area where there are established commercial activities and in proximity to the Echuca Moama Bridge (under construction), which will facilitate the net community benefit to service the community (and tourists).

In Clause 21.09-1 Echuca, it outlines the master plan to guide future commercial development, it states that “Murray Valley Highway and Northern Highway (Ogilvie Avenue) plays an important complementary role in the town’s commercial hierarchy” and a key strategic direction includes that “redevelopment of existing highway commercial areas should be promoted.”

The site is located within an area that is designated as a significant arterial road providing traffic to the second bridge, noted in the Echuca Commercial Strategy. The proposed use is appropriate based on the strategic vision for the area, is in an area identified for commercial ‘big-box/restricted retail and will be a destination that will provide appropriate services without impacting on the Central Business District of Echuca.

### Built form and Siting

Clause 15 requires consideration be given to urban design and built form in relation to all new land uses and developments. Clause 15.01-2S seeks to “*Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm*”. The proposal is in keeping with the design and built form objectives, as it provides a comprehensive design within a strategic area, with additional built form and siting requirements, as specified in the Design and Development Overlay Schedule 3 (see below). The proposal appropriately responds to its landscape, valued built form and cultural context while protecting off-site amenity.

As outlined in Clause 21.06-1, careful consideration has been given to the commercial development. The design has incorporated measures to manage any potential amenity issue to residential areas as well as major roads. This includes landscaping and an acoustic wall to the west to mitigate potential noise or light spill. The site is adjacent to the Murray Valley Highway as a major transport route the proposed use and development for a service station is considered appropriate.

### Design and Development Overlay Schedule 3 (DDO3)

The State and local provisions in relation to design are also reflected within the Design and Development Overlay Schedule 3 Northern and Murray Valley Highway Precinct (DDO3) which affects the site. The design objectives clearly define the need for a “*vibrant and active highway business precinct*” based on promoting large ‘big box’ commercial activities. This includes large regular buildings with consistent setbacks, appropriate landscape treatments and setbacks to reduce the impact of commercial development on the adjoining residential neighbourhoods. This is sought through contemporary architectural outcomes for building facades, roof forms, colours, materials and finishes to reinforce an attractive gateway. The DDO3 is divided into separate requirements relating to the overall site design and its context with the surrounding area.

### Building Height

The DDO3 seeks to ensure buildings do not exceed 11.5m or a maximum of three storeys high. The maximum height of the buildings are the truck canopy and sloped roof which are 6.8m. The application will not any walls on street frontages and this section of the DDO3 does not need to be considered.

### Building Setbacks

The eastern car canopy is setback 12.9m and the main building is setback over 20m from the front boundary directly abutting the Murray Valley Highway. The DDO3 states that buildings should be setback at least 20m if they directly abut the Northern or Murray Valley Highway. The proposal achieves an appropriate balance between the DDO requirements, having partially transparent structures and understanding the context of the land. Due to the sensitive interface adjoining the site to the west (rear), the reduced setback to the highway has been applied to provide greater separation from adjoining sensitive uses.

The location of the site on a corner and the large road reserve will further minimise the visual bulk of the open structures on the highway. To soften the setback between the service station and Murray Valley Highway, landscaping has been provided. It is recommended that a landscaping condition be included to provide for a comprehensive plan that provides greater landscaping along the eastern (front) boundary with native tree plantings to soften the visual appearance.

### Fences

The proposal incorporates a fence located at the rear of the site along the western elevation. The DDO3 states “A minimum 1.8m high timber paling or Colourbond style fence should be erected on the rear boundary of each lot abutting a residential zone or the Farming Zone at the expense of the permit applicant”. A 1.8m high

Colourbond fence has been included as part of the application where it abuts residential land, compliant with the DDO3. Objections have been raised in relation to the height of the fence on the boundary which has been addressed in more detail below.

### Landscaping

Under the DDO3, "a minimum area of 15% to the lot frontage should be landscaped to include a variety of shrubs and at least two significant trees (mature height 10m) with all plant species suitable to this area and to the satisfaction of the responsible authority". Two trees have been proposed as part of the application. A landscaping condition has been included for a comprehensive plan that provides greater landscaping along the eastern boundary.

A "minimum 3m-wide landscape buffer should be provided the full length of the rear boundaries for those properties abutting the General Residential Zone or Farming Zone". The proposed plans show a vegetation buffer of 3.15m to the rear which complies with this requirement. Under the DDO3, "A minimum 1.5m wide landscape buffer is to be provided for a minimum distance of 50% of the length of the side boundary along all side boundaries". A varying setback of 2m plus has been proposed and all side boundaries satisfying the requirement.

### Building Design

DDO3 aims for contemporary, 'big box' character and design. It is considered "Buildings and associated works should be attractively designed, contemporary in style and be progressive in design, concept and finish". The proposed materials and finishes reflect this objective and use Alucobond grey walls, vertical timber click batten screening wood form expression, concrete tilt panels, metal roof and powder coated perforated mesh. This combination creates visual difference through colour, material and texture to avoid extensive blank facades. Although the materials and finishes are BP company colours, they do incorporate more earthy tones to comply with the objective of the overlay.

The varying roof forms of the buildings create visual difference and reflect a contemporary style. The service station has been designed to complement the existing pedestrian access from the footpaths, as well as careful siting of car parking to provide enhanced access. It is considered that the proposed development is attractively designed, contemporary in style and adopts an appropriate variation in materials and finishes.

### Floodlighting

No floodlighting has been proposed as part of the application. A 1.8m high fence as well as an acoustic fence with a maximum height of 3.9m would ensure that any lighting will not be unreasonably cast glare onto adjacent sites, the street or abutting future residential land. A condition has been incorporated into the permit below to decrease the chances of any amenity impact from light spill a concern raised by objectors.

### Parking and access

A total of (14) parking spaces are located to the north and east elevations of the service station, including the construction of a truck parking area to accommodate up to five (5) b-double trucks. Parking has a setback of at least 14.5m from the western boundary to minimise amenity impacts on adjoining dwellings, with accessways having a minimum setback of at least 3m satisfying the DDO3 requirement.

As service stations are not listed within Clause 52.06-5 (Car Parking), justification was provided and is considered appropriate due to the short-term nature of the use of the site for patrons. All parking is clearly marked, does not encroach on landscaping with clear delineation between car parking and any planting and is considered compliant. It is considered adequate on-site parking has been provided and is unlikely to reduce the amenity of the area.

### Loading, services and storage

An adequate provision for loading and unloading of vehicles on site has been provided, located on the eastern side of the site fronting the Murray Valley Highway. Although it is at the front of the building, this will provide greater separation from dwellings to the west of the site making this location more appropriate.

The loading and unloading area is part of a designated car space and not intended for permanent bin storage. The car space allows for loading and unloading of goods to be stored within the building and once unloaded the car space can be used by the public. This is convenient, will occur outside of the core operating hours, allows for adaptive reuse and if already used, there are other alternate options. In relation to waste management a condition has been included to ensure waste will be managed appropriately on the site to minimise any unreasonable impact on adjoining dwellings.

#### Front, side and rear boundaries

In relation to the front boundary, the DDO3 seeks to soften the interface by including large native canopy trees and low lying native understorey plants to allow visual exposure from the street. This has been incorporated as part of the layout of the development and is recommended to be addressed as part of a landscape condition. A mixture of textures and finishes fronting the street are encouraged, which is demonstrated on the main building façade.

The side boundaries have a minimum buffer of 1.5m of vegetation that entirely cover the north and south boundaries. Canopy tree planting will also be included as part of the landscape condition for car parking areas, which will mostly be the trucking parking area to the north.

The rear boundary adjoining the sensitive uses will require a mixture of planting that is appropriately managed to ensure it satisfies the DDO3. The development does not contain any storage shed or plant infrastructure and will be required to incorporate a variety of landscaping satisfying the requirement of the DDO3. This also forms part of the landscaping and landscape maintenance conditions.

#### Advertising Signs

The applicant has proposed fourteen (14) signs in total. Such signage is considered to be consistent with what will be expected on service stations and is also consistent with the theme of signage on other commercial properties (especially service stations). The signs include the name of the business, logo and other symbol that identifies the business. It is anticipated that erection of business identification signage will be required to appropriately identify the business, fronting a declared main road.

An overall objective of the DDO3 is "*To ensure that signage does not dominate the streetscape image or lead to visual clutter*". The proposed signage is consistent with the branding of all BP service stations throughout Australia and is of a scale which does not dominate the proposed building or streetscape. The signage on the retail building is appropriately located to identify the entrance and services offered, such as the café. The design, layout, materials and colours of the signage are considered appropriate for the zoning, use of the land and are integrated into the overall design of the site.

A condition is recommended to be included requesting amended plans to reduce the overall size of the proposed Sign 1. The sign is proposed to be 15m in height, which is considered excessive in the context of the area. The condition will reduce the overall height to 7m, consistent with other service stations (and car dealerships) on the Northern Highway and Ogilvie Avenue. The appearances of the signs are considered orderly and of good design and are not anticipated to have adverse impact on the amenity of the surrounding area in accordance with DDO3 and Clause 52.05.

No floodlighting has been proposed as part of the signage. The signage has been referred to Regional Roads Victoria (previously VicRoads) who are satisfied the colours and materials would not interfere with the safety or efficiency of traffic circulation. No signs are located on the roof or exceed the parapet height of the building or to the rear of the site to comply with the DDO3.

#### Amenity

Clause 13 is to ensure that development is not prejudiced, and community amenity is not reduced by noise emissions. This is achieved by using a range of building design, urban design and land use separation techniques, especially when considering the context of the area and the land use functions. It is a requirement to consider State Environment Protection Policy (control of noise from commerce, industry and trade) No. 1 (SEPP N-1).

In support of the application an Acoustic Report prepared by Clarity Acoustics dated 3 October 2019 was submitted. The recommendations of the report determined that a 2-3.9m high acoustic timber fence be constructed on the western boundary of the subject site to be setback 1.5m from the site boundary to ensure



that best practice SEPP N-1 is achieved. Further measures to be included to address concerns raised by objectors include:

- Fuel deliveries associated with the subject site are to be scheduled to only occur during the Noise from Industry in Regional Victoria (NIRV) day and evening periods (0700-2200 hours)
- Waste collection from the subject site is to be scheduled to the site to only occur during the NIRV day period (0700-1800 hours, Monday to Friday and 0700-1300 hours, Saturday)
- There are no restrictions on delivery times for Medium Rigid Vehicles (MRVs) and Light Rigid Vehicles (LRVs) to the Convenience Restaurant or Fuel shop.

To ensure no unreasonable amenity impacts occur to the adjoining dwellings the above measures identified are recommended to be included as a condition.

Concerns were also raised in relation to the proposed 24-hour nature of the use and impact on adjoining properties. This has also been reviewed as part of the acoustic assessment which determined that the acoustic measures to be incorporated will ensure that there will be no unreasonable impact defined as voices in the car parking, refuelling and vehicle movements will not impact on sleep disturbance

Concerns were raised in relation to glare and lighting on the site. The incorporation of the fence on the western boundary will minimise any unreasonable impact as a result of lighting. It is recommended that a condition be included to ensure all lighting is baffled and fully contained within the site to the satisfaction of the Responsible Authority.

Other concerns raised by objectors include odour. The use will be required to operate in accordance with best practice Environmental Protection Measures (EPA) in relation to fuel odours on the site. The use on the land is consistent with surrounding service stations existing within Echuca and is not considered a use listed under Clause 53.10 Uses with adverse amenity impact. It is recommended that a condition be included to ensure the use is carried out appropriate to address, odour, appearance and transportation of goods.

#### Traffic, Access and Car Parking

The application was accompanied by a Traffic Impact Assessment Report prepared by Trafficworks dated 19 September 2019. The application proposes two (2) crossovers onto Murray Valley Highway (no access onto Bridlington Av). The access to the subject site directly from Murray Valley Highway will ensure the current residential traffic on Bridlington Avenue will be maintained and will not allow heavy rigid vehicles to access the site via Bridlington Avenue further minimising any unreasonable impact.

The majority of car parking is provided to the east and north of the retail building to allow passive surveillance from the shop counter. All driveways and car parking areas will be appropriately sealed and drained. Direct pedestrian access is provided between the retail building entrance and car parking area.

Vehicle access has been provided to ensure safe and efficient movements of vehicles to and from the site. The application was referred to Regional Roads Victoria as the proposal involves alteration of access from Murray Valley Highway and intensifying the use on site and consent has been provided, subject to conditions.

All proposed petrol pumps, pump islands, water and air supply points and storage tank filling points are more than 3.6m from the nearest road. Swept path diagrams demonstrate that a vehicle the size of refuelling tanker could comfortably fit wholly within the subject site. The proposed site layout has been designed to accommodate a 26m B-Double tanker entering and leaving the site in a forward direction, which will be included as a condition on the permit.

To ensure appropriate pedestrian access to the site from the surrounding residential area, it is recommended that a footpath be incorporated on the eastern boundary of the site from the controlled intersection at Bridlington Avenue to provide safe access. This requirement is also consistent with the objectives of the design and development overlay.

#### Other Matters

Concerns were raised in relation to the oversupply of service stations within the area. Whilst there are three other service stations located nearby, the subject site is located on a major arterial road which will be utilised

more when the second bridge is constructed. "Demand" is not something that Council is able to take into account in its assessment of the application and is determined based on the market demand.

The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values.

The application proposes to remove three (3) native trees (6 including the deceased tree). Effort will be made to retain some of these trees during the construction process for their landscape value. One (1) of the four (4) trees on site is dead and is required to be removed for accessway/car parking within the site. Majority of the trees to be kept are located to the east of the subject site fronting Murray Valley Highway.

The trees to be removed will not result in any significant habitat loss as the proposed vegetation is in an intermediate assessment pathway and will not affect the landscape or biodiversity of the area. The vegetation is not classed as important habitat for rare or threatened species making it unlikely there will be any significant impacts on the flora or fauna of the area.

A native vegetation removal report has been included as part of the application. A General Offset requirement has been included as part of the report of 0.147 general habitat units and will be included as a condition of the planning permit.

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### 13. Conclusion

The land is located within the Commercial 2 Zone which is considered appropriate for the proposed service station, in line with the Echuca Commercial Strategy (2017) and State and local Planning Provisions. It is recommended that Council as the Responsible Authority issue a Grant a Notice of Decision to Grant a Permit.

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### 14. COUNCILLORS PANKHURST / WILSON

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

- **Having caused notice of Planning Application No. PLN268/2019 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

**And**

**That Council having caused notice of Planning Application No. PLN268/2019 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 34.02-1, 34.02-4, & 43.02-2 of the Campaspe Planning Scheme in respect of the land known as Vol 10324 and Fol. 986 and described as Murray Valley Highway Echuca Vic 3564 for the use and development of the land for a Service Station and internally illuminated Business Identification Signage in the Commercial 2 Zone and Design and Development Overlay Schedule 3, creation of access to a Road in a Road Zone Category 1 pursuant to Clause 52.29 and removal of native vegetation (3 trees) pursuant to Clause 52.17, with the application dated 9 October 2019, subject to the following conditions:**

#### 1. Amended Plans required

**Before the use and development commencing, documents must be submitted to and approved by the responsible authority. When approved, the documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The plans must include:**

- a) **Location and details of all plant equipment. Plant equipment, vents and waste areas must be screened.**

- b) **Sign 1 to have a maximum height of 7m.**
- c) **A landscape plan in accordance with Condition 3**
- d) **Removal of future access from Bridlington Avenue to the south.**
- e) **A 2.5m wide shared concrete footpath from the subject site to Bridlington Avenue in accordance with Condition 19.**

**All to the satisfaction of the Responsible Authority.**

## **2. Layout not altered**

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

## **3. Landscape Plan**

**Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority and be in accordance with the requirements of the *Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council, 2017*. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:**

- a) **A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;**
- b) **A minimum area of 15% to the lot frontage should be landscaped to include a variety of shrubs and at least two significant trees (mature height 10m) with all plant species suitable to this area and to the satisfaction of the responsible authority.**
- c) **A minimum 3-metre-wide landscape buffer should be provided the full length of the rear boundaries for those properties abutting the General Residential Zone.**
- d) **A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;**
- e) **The method of preparing, draining, watering and maintaining the landscaped area;**
- f) **Details of surface finishes of pathways and driveways;**
- g) **Landscaping and planting within all open areas of the site;**
- h) **The sewer and water supply connection points;**
- i) **The weed management program;**
- j) **Indicate that an in-ground irrigation system is to be provided to all landscaped areas.**

**All to the satisfaction of the Responsible Authority.**

#### 4. Landscape Maintenance

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

#### 5. Regional Roads Victoria

- a) Prior to the development coming into use the following must be provided generally in accordance with the functional layout plans, 190014-CTP-13 and 190014-CTP-14 (Issue P3 Dated 21-01-20), using Head, Transport for Victoria (Head, TfV)'s prequalified contractors/consultants to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV);
  - i. A Rural Type Channelised, sealed full depth right turn lane treatment (type "CHR" – designed for 80 km/h speed) must be provided on the Murray Valley Highway at the entry to the development generally in accordance with Figure A 30 of the AUSTROADS publication "Guide to Road Design Part 4: Intersections and Crossings – General" -2017.
  - ii. A Rural Type Auxiliary, sealed full depth left-turn treatment (type AUL – Designed for 80 km/h) must be provided on the Murray Valley Highway at the entry to the development in accordance with Figure 8.4 of the AUSTROADS publication, "Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections " – 2017.
  - iii. Subsequent to the written approval of detailed functional layout, works associated with the above development within the Murray Valley Highway road reserve must be designed to a standard approved in writing by Head, Transport for Victoria (Head, TfV) prior to the commencement of construction within the declared road reserve.
  - iv. A detailed engineering layout (including lighting layout) in conjunction with a 'Detailed Design Stage' Road Safety Audit (RSA) must be submitted to Head, Transport for Victoria (Head, TfV) for its written approval. The RSA must be undertaken by an independent Head, Transport for Victoria (Head, TfV)'s prequalified audit team and be conducted in accordance with Austroads – Road Safety Audit (Second Edition, 2002).
- b) Prior to the development coming into use all display of business identification signage, which is proposed on the main building, fuel canopies as well as a large display signs must be designed and located generally in accordance with the following to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV);
  - i) Static signs
    - The location and details of the sign shown on endorsed plans must not be altered without the written consent of the Responsible Authority,
    - The sign must be contained within the property line, no part of the structure is permitted to protrude beyond the property line and into the road reserve;
    - The sign must be constructed and maintained to the satisfaction of the Responsible Authority,
    - The sign must be professionally manufactured from non-reflective or nonfluorescent materials,
    - The proponent must not use colours that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, if it contains

red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows,

- If the sign is illuminated, the source of the lighting must not be visible from any part of the declared road/highway,
- If the sign is illuminated, any illumination must not be flashing, nor cause dazzle to the declared road/highway traffic,
- The sign must not dazzle or distract road users due to its colouring or luminosity. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.

## ii) Electronic signs

- The location and details of the sign shown on endorsed plans must not be altered without the written consent of the Responsible Authority.
- The sign must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve.
- The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
- No advertisement may be displayed for less than 30 seconds.
- The transition from one advertisement to another must be instantaneous.
- In relation to the images displayed on the sign:
  - Sequences of images giving the illusion of continuous movement must not be displayed.
  - images capable of being mistaken for traffic signals or traffic control devices because they, for example, contain red, amber or green circles, octagons, crosses or triangles must not be displayed.
  - images or text capable of being mistaken as an instruction to a road user must not be displayed.
  - flashing background, flashing text or flashing images must not be displayed.
- The sign must not dazzle or distract road users due to its colouring or luminosity. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.
- In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to shut down and cease any form of visual output until the malfunction is repaired.
- This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.

- c) **Environmental management / native vegetation protection measures must be to the written consent to Head, Transport for Victoria (Head, TfV), generally in line with the following to include:**
- i. **The prescribed “Works Zone” for the works and associated vegetation removal required to install a capacitive balancing unit (CBU) and earthing cable is defined as the 5.0m x 3.0m area marked for vegetation removal and the 24.0m x 4.0m area marked for site access on Figure 5 – Vegetation Removal Plan (page 8) of the document referred to as “Document Set ID: 4214767 (Version: 1, Version Date: 25/07/2019)”. Prior to commencement of any works, any amended plans must be submitted to and approved by the Head, Transport for Victoria (Head, TfV), When approved by the Head, Transport for Victoria (Head, TfV),, the plans may be endorsed by the Responsible Authority and will then form part of the permit.**
  - ii. **Prior to the commencement of works, the boundary of the prescribed “works zone” as approved by the Head, Transport for Victoria (Head, TfV), must be temporary delineated with rope bunting and timber stakes. This installation must be maintained until project completion. All other areas of road reserve including adjoining trees / native vegetation outside of the temporary fencing / prescribed work zone will be ‘No Go Zones’ for the duration of works.**
  - iii. **All works must comply with Australian Standard (AS) 4970-2009 “Protection of Trees on Development Sites”. This applies to all vegetation to be retained, including any trees within the prescribed “works zone”.**
  - iv. **Within the area of native vegetation to be retained, no machinery or associated equipment, vehicles / plant, access tracks / entry points, parking areas, turning areas, construction materials, stacksites / stockpiles, vehicle storage areas are permitted to be established outside of the prescribed “works zones”. All works must ensure that:**
    - **No topsoil, subsoil, or other excavated materials shall be stored in the road reserve outside the prescribed “works zone”.**
    - **Top soil shall be retained from the works for site rehabilitation and redistributed on areas of site disturbance within the prescribed “works zone”.**
    - **Any excavated material, including topsoil, taken from the works site to be returned later must be stored on a clean site free of weeds and not in areas of native vegetation.**
    - **Excess materials or spoil from works are not to be dumped or spread outside of the prescribed “works zone” or within the road reserve and must be removed from site.**
    - **To protect native vegetation to be retained, all construction and maintenance equipment, earthmoving equipment and associated machinery must be made free of soil, seed and plant materials prior to entering onto the road reserve or the prescribed “Works Zone”, and before leaving the work site.**
    - **Any declared noxious or environmental weeds that are identified as having been spread or imported onto the road reserve as a result of the works shall be managed, treated or eradicated for a 24-month period following completion of all relevant works.**
    - **Prior to commencement of any works within the road reserve, all persons undertaking the works must be inducted on all conditions of this permit as**

issued, and any site-specific environmental conditions. A copy of this permit must be kept on the work site.

- All areas of roadway, pathway, and/or roadside disturbed as a result of these works must be reinstated to the satisfaction of Head, Transport for Victoria (Head, TfV) to a standard not less than existed before the works were commenced. This shall include a review of these works with a Head, Transport for Victoria (Head, TfV)'s representative post completion of works and shall be agreed to in writing.

## 6. External Lighting

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

## 7. General Amenity

The use and must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Processes carried on;
- b) The transportation of materials, goods or commodities to or from the land;
- c) The appearance of any buildings, works or materials;
- d) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- e) The presence of vermin.

All to the satisfaction of the Responsible Authority.

## 8. Restrictions on Deliveries

- a) Fuel deliveries associated with the subject site are to be scheduled to only occur during the Noise from Industry in Regional Victoria (NIRV) day and evening periods (0700-2200 hours) to the satisfaction of the Responsible Authority.
- b) Waste collection from the subject site is to be scheduled to the site to only occur during the NIRV day period (0700-1800 hours, Monday to Friday and 0700-1300 hours, Saturday) to the satisfaction of the Responsible Authority.

There are no restrictions on delivery times for Medium Rigid Vehicles (MRVs) and Light Rigid Vehicles (LRVs) to the Convenience Restaurant or Fuel shop.

## 9. Signs

No external advertising sign other than signs permitted under the Campaspe Planning Scheme shall be erected on the site without the consent of the responsible authority.

## 10. Sign Maintenance

All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the Responsible Authority.

**11. Sign Flashing**

Flashing or intermittent lighting must not be used in the signs permitted by this permit.

**12. External Lighting**

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

**13. Sign within boundaries**

The signs permitted by this permit must be located so as to be wholly contained within the boundaries of the subject land, to the satisfaction of Responsible Authority.

**14. Native Vegetation**

- a) Before works start, the permit holder must advise all persons undertaking the vegetation removal on site of all relevant conditions of this permit.
- b) No native vegetation other than that approved by this permit shall be removed unless a permit has been granted by the Responsible Authority for its removal.
- c) No native vegetation is to be damaged during works to the satisfaction of the Responsible Authority.
- d) In order to offset the removal of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017) and the Native vegetation gain scoring manual:
- e) The offset must:
  - i. Contribute gain of 0.147 general habitat units.
  - ii. Be located within the North Central Catchment Management Authority or the Campaspe Shire Council district.
  - iii. Have a strategic biodiversity score of at least 0.592.
- f) Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native Vegetation gain scoring manual. Offset evidence can be either:
  - i. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
  - ii. A credit register extract from the Native Vegetation Credit Register.

**15. Construction Phase**

- a) Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.



- b) **Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.**
- c) **Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.**

#### **16. Car Park Construction Requirements**

**Before construction works start associated with the provision of car parking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.**

**Before the use starts, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:**

- a) **Surfaced with an all-weather reinforced concrete treated to the satisfaction of the Responsible Authority to prevent dust;**
- b) **Constructed and completed to the satisfaction of the Responsible Authority;**
- c) **Drained in accordance with an approved drainage plan;**
- d) **Line-marked to indicate each car space and all access lanes;**
- e) **Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;**
- f) **Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;**
- g) **Provision of traffic control signage and or structures as required;**
- h) **Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.**

**All to the satisfaction of the responsibility authority.**

**The areas must be constructed and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.**

**Car spaces, access lanes and driveways must be kept available for these purposes at all times.**

#### **17. Vehicle Turning**

**All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of Responsible Authority.**

#### **18. Delivery of Goods**

**The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.**

## 19. Detailed Construction Plans

Before any road, drainage or landscaping works associated with the development start, detailed construction plans for a service road in Murray Valley Highway to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must include:

- a) Fully sealed pavement with kerb and channel service road in Murray Valley Highway fronting the development
- b) A 2.5 m wide shared concrete footpath from the subject site to Bridlington Avenue.
- c) Underground drains
- d) Landscaping
- e) Street lighting

Prior to the use commencing and/or occupation all works constructed or carried out must be in accordance with those plans.

## 20. Drainage Discharge Plan

Before any of the development starts, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) Details of how the works on the land are to be drained and retarded;
- b) Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;
- c) Underground pipe drains conveying storm water to the legal point of discharge for each allotment;
- d) Measures to enhance storm water discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council or 10 lit/sec/ha;
- f) Documentation demonstrating approval from the relevant authority for the legal point of discharge;
- g) The provision of gross pollutant traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's storm water drainage system;

- h) The details of the incorporation of water sensitive urban design designed in accordance either “Urban Storm water Best Practice Environmental Management Guidelines” 1999;**
- i) Maintenance schedules for treatment elements.**

**Before the use starts all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.**

#### **21. Construction of Works**

**Prior to the commencement of the use the applicant or owner must construct service road works, drainage, shared concrete footpath, street lighting and other civil works, in accordance with approved plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual.**

#### **22. Supervision Fees**

**Prior to works commencing, payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority.**

#### **23. Plan Checking Fee**

**Prior to works commencing, payment to the Responsible Authority for an engineering design checking fee of an amount up to 0.75% of the value of documented works.**

#### **24. Waste Management Plan**

**Prior to the commencement of the use, a Waste Management Plan addressing deliveries/loading and the collection of rubbish must be submitted to the Responsible Authority. When to the satisfaction of, and approved by, the Responsible Authority, the Plan will be endorsed and then form part of the permit. The plan must address, but is not limited to:**

- a) Details of daily rubbish collection in public areas within a radius of 50m from the site boundary.**
- b) Provision of rubbish bins within the car park area.**
- c) Storage and collection of wastes, including the number of dump masters and how often they will be collected.**

**All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.**

#### **25. Twelve Months Guarantee of Works.**

**Prior to the commencement of the use, the applicant shall lodge with Council a guarantee of works (service Road) based on 5% value of works, to be refunded in twelve months following satisfactory final inspection.**

## 26. As Constructed Plans

Prior to the commencement of the use, the owner/applicant shall submit to the satisfaction of the relevant authority the following:

- a) An assets statement for each street;
- b) 'As constructed' information for the entire work in each development stage detailing information as listed in the council's Infrastructure Design Manual;
- c) 'As constructed' drainage and road, kerb and channel and footpath works information shall be provided in D spec and R Spec format respectively to Council's satisfaction. (Council is a member of A Spec).

## 27. Expiry Date for Signs

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

## 28. Time for Starting and Completion

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

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

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

### Responsible authority

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

### Building Approval Required

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

### Health Requirements

Food Premises - Full compliance with the *Food Act 1984* and the Food Standards Code is required.

Prior to the commencement of any building works, a plan is required to be submitted to Councils Environmental Health Department for review, comment and approval.

Connection to Coliban Waters reticulated sewerage system is required for all wastewater disposal.

### Department of Transport

Any planning permit approval received in accordance with a municipal planning scheme does NOT constitute consent to conduct the works under the *Road Management Act 2004*. Section 63 and clause 16 of Schedule 7 of the Road Management Act 2004 requires any person proposing to carry out works in, on, under or over a road to obtain the consent of the coordinating road authority, except where exempt under the Act, or its Regulations (the Road Management (Works and Infrastructure) Regulations 2005).

All road pavement surfaces must be maintained in a clean and safe condition, free from mud, loose stones or any other materials that may reduce skid resistance or affect pavement markings. It is a requirement that any material spilt or tracked onto the road surface is cleaned off immediately.

**Dust emissions must be minimised during construction activities.**

Head, Transport for Victoria (Head, TfV) requests that the applicant provide detailed plans indicating 'works zone' including any proposed construction access within the road reserve. Once endorsed by Head, Transport for Victoria (Head, TfV), these plans be incorporated into the permit.

The discharge of any concentrated drainage onto the Murray Valley Highway road reserve is not permitted unless approved in writing by Head, Transport for Victoria (Head, TfV).

Separate 'detailed design' approval (fees and charges apply) and the specifications of these works are required under the Road Management Act. For the purposes of this application, the works will include any work within the arterial road reserve.

VII. Please forward details marked attention to Steven Attard on: [nr.mailbox@roads.vic.gov.au](mailto:nr.mailbox@roads.vic.gov.au)

**Compliance with Other Statutory Requirements and/or Public Authority**

The use permitted by this permit must comply with the requirements of any other relevant legislation or public authority.

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

## 6. Planning Authority Decisions

Nil

## 7. Question Time

Council heard items of Question Time on the following:

| Text of Question   | Summation of answer given  |
|--|--|
| Could you please tell me the total annual cost of the production and distribution of the Campaspe Times Newsletter | The total annual cost of the production and distribution of the Campaspe Times newsletter is \$44,000<br><br>Each issue costs \$5,500 - which is distributed to 17,000 householders which equates to 0.32 cents per newsletter |

## 8. Acknowledgements

Nil

## 9. Council Decisions

### 9.1. Arbiter Findings

**Author:**

Declan Moore, Chief Executive Officer

**Attachments:**

Nil

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#### 1. Purpose

To correct a perceived/potential procedural flaw in the resolutions adopted at the Council meeting of 28 January 2020 related to a Code of Conduct - Arbiter Report.

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#### 2. COUNCILLORS NEELE / MUNRO

**That for the purposes of clarification with respect to its directions of 28 January 2020 at Items 7.2 of the agenda, Council directs:**

1. **Cr Wilson to comply with Council's directions (as previously advised) on or before midday on Friday, 21 February 2020.**

**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.

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 internal dispute that involves 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

At its meeting of 28 January 2020, Council considered two Arbiter reports and their associated findings (at Items 7.2 and 7.3) that separate breaches had been made by two Councillors against the Councillor Code of Conduct; and resolved *inter alia* to direct those Councillors to make public apologies.

---

Subsequent to Council's directions being issued, the question of whether Council should have specified a time by which the apologies should be posted has been raised by Cr Wilson with the Chief Executive Officer.

Given the Councillor's desire to ensure their full and timely compliance with Council's directions, it is recommended that Council set a date and time by which the required apologies should be posted.

Cr Mackrell posted his apology on the evening of 4 February 2020.

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## **7. Issues and Risk Management**

### **Issues:**

Council's original resolutions could be considered procedurally flawed and/or a Councillor might inadvertently fail to comply with the directions issued in a timely manner.

There is therefore a potential reputational risk for both Council and the individual Councillor.

While both risks have been assessed as low, the action proposed in this report will address the perceived risks.

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## **8. Strategic Planning Environments**

|                        |  |
|------------------------|--|
| Responsible Management | Supports clear and open communication, relationship and partnership development and a positive organisational culture. |
|------------------------|--|

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## **9. Consultation**

### **Councillors:**

- At the 4 February 2020 Council Briefing Session.



## **9.2. Scope Decision for Groves Weir Bridge Project (PR 100309)**

**Mr Bryon McIntosh addressed Council in relation to item 9.2**

**Mr William Pepperell addressed Council in relation to item 9.2**

**Author:**

Richard Conway, Asset Manager

**Attachments:**

9.2.1 Council Policy 091 - Sustainable asset management

9.2.2 Council Policy 118 - Asset rationalisation

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**1. Purpose**

To adopt a scope of works for the bridge on Groves Weir Road following public feedback on the project.

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**2. Recommendation**

That Council:

1. Acknowledge the consultation and feedback received from local landowners regarding the bridge on Groves Weir Road.
2. Approve the delivery of a single lane 4.8m wide bridge on Groves Weir Road.
3. Acknowledge the reason for the size is to account for the limited width of the road to the south which cannot be widened to allow a two lane bridge without significant cost and risk.
4. Resolve to maintain Kennedy Road between Cornella Church Road and Bendigo Murchison Road as an all-weather access road in perpetuity as an alternate route for local landowners.
5. Contact local landowners advising the decision and the reasons for it.

**COUNCILLORS ZOBEC / WILSON**

That Council:

1. **Acknowledge the consultation and feedback received from local landowners regarding the bridge on Groves Weir Road.**
2. **Obtain an updated condition assessment report for Groves Weir Bridge and present to Council for further consideration.**
3. **Seek a plan including timelines from Goulburn Murray Water for the future intent of their infrastructure renewal in the road network.**

**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.

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### 6. Background

Groves Weir Bridge is a 1960's bridge 20.8m long and 7m wide and a road width of 6.1m. It has an audited average daily use of between 40 and 50 vehicles of which eight are commercial or large vehicles.

An independent bridge inspection in May 2018 found it was unfit to carry heavy vehicles and needed to be load limited to 12 tonnes. Cracking in the structure had critically undermined its ability to manage modern loads. In fact there was concern that the bridge could manage modern loads even in perfect condition. The report from the inspection in May 2018 states the following:

“The load assessment results suggest that the bridge is deficient for general mass limit (GML) and higher mass limit (HML) vehicles in both as-new and as-is condition states.”

At that point Council imposed a 12 tonne load limit in line with the conclusions and contacted local landowners informing them of the restriction. Local landowners and common users expressed concerns that they could not take goods in heavy vehicles. At this time Councillors, the Chief Executive and local State Member of Parliament were contacted.

Council undertook consultation on the future of this bridge with the support of engineering firm RPS through 2018. Feedback from the community from face to face (one to one and town hall style meetings), email and phone contact was that the bridge must be replaced to manage heavy loads. The community response was that the bridge needed to be replaced with a modern weight load structure.

Current bridge standards state that if Council are to build a two lane bridge it must have a carriageway of not less than 7.5m. A one lane bridge can be managed within the current envelope with a 4.8m width. Importantly any widening of the bridge will have implications for the approach roads and a two lane bridge will require a wider structure. (See issue 2 below.) Because of the practical and financial requirements of widening the bridge to become a modern two lane structure the proposal was to build a one lane bridge to the Australian Standard.

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### 7. Content

In entering the final stages of design Council staff wrote to respondents in the first rounds of consultation informing them of the intention to replace the bridge with a single lane solution. Council received three responses noting opposition.

EMG and Council were briefed on the issues in August and September 2019 following further review of the options. In October 2019, a final letter was sent to landowners noting the bridge would be a single lane solution. Additional responses have been received from the community. This matter is being referred to Council for a decision on the scope of works due to the large number of community responses and the significant cost and delivery risk of a change of scope has at this stage of the project.

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## 8. Issues and Risk Management

### Issues:

#### Issue 1: Feedback

Feedback has come from local landowners, State members Mr Peter Walsh and Mrs Steph Ryan and the Victorian Farmers Federation. Responses to their issues in the context of a one lane bridge are summarised into the following six subject areas:

- a. *That wide farm infrastructure cannot travel the road where this new bridge is to be built.*

Farm machinery wider than the bridge would not be able to use the new structure. Alternative routes that can be maintained to ensure ongoing access include Kennedy road which is approximately 1.8kms to the west of the bridge is appropriate.

- b. *That wide farm infrastructure will have to use the highway more and that accidents are bound to happen.*

The extent of C345 Bendigo-Murchison Road use is limited to the next available intersection which can take the wide machinery. It is not necessarily true that road crashes are bound to happen, or that they would because of the presence of farm machinery. It is preferable for large, slower moving infrastructure to be kept from the highway as much as possible. However, there are many locations where this is not possible and it is not unreasonable to expect road user to take care and manage risks especially on long straight roads such as C345 Bendigo-Murchison Road.

- c. *Residents require the mail run and campers travel on the road.*

A one-lane bridge will be wide enough and strong enough to manage these vehicles which are all standard size vehicles covered by the modern bridge standard. There is no risk to these services.

- d. *CFA will not be able to get through.*

The bridge upgrade will have both the strength and width to manage CFA vehicles. The standard width accounts for emergency vehicles. The 2019 CFA guidelines require minimum trafficable width of 3.5m and be substantially clear of encroachments for at least 0.5m on each side and clear of encroachments at least 4m vertically. All of this will be delivered in a single lane design. Fire trucks can weigh up to 16 tonnes fully laden so the new bridge will meet the weight requirements. Neither the current bridge, nor the Goulburn Murray Water (GMW) structure to the north, can handle that weight.

- e. *The NHVR Exemption*

A common comment from respondents is that the Council has an exemption in place allowing agricultural vehicles of up to 6.5m wide to travel on its roads. It is their view that a one lane bridge which will not convey that width is not in line with the exemption. The National Heavy Vehicle Regulator exemption allows operators of this type of vehicle to use the road network without first seeking a permit to do so. This exemption only allows agricultural vehicles to use roads where it is safe to do so.

The current bridge configuration doesn't allow the 6.5m exemption neither does the GMW structure to the north. A modern two lane bridge to current standards would not improve the access for the exempted vehicles.

- f. *The crown on Kennedy Road interfering with farm machinery*

One respondent commented that the crown on Kennedy Road is too great to take some of their farm machinery on as their equipment will strike the crown and damage the road and machinery. The crown on Kennedy road is consistent with other gravel roads in the shire and has been built to standard. Should it be possible to alleviate concerns of users with other changes this could be investigated. The lower the crown on a road the higher risk of water ingress and pavement damage.

## Issue 2: Access along Groves Weir Road

The road approach to the south of the bridge, as shown in photo 1, does not have capacity to allow a widened approach due to the required clear zones either side of the carriageway.

**PHOTO 1**



Building to anything less than the Australian Standard introduces an ongoing risk to Council. A risk which is not extinguished until the bridge is brought back to standard.

Additional road work is common practice when renewing bridges. By way of example, when Council delivered the Fox Island bridge project, the intersections and approaches were included to meet the required standards.

At Groves Weir Bridge the lack of available space will require infilling of the water to create an area for the road shoulders for approaches from the south. This would increase costs associated due to additional pavement material, tree removals, traditional owner engagements, permits and practical challenges.

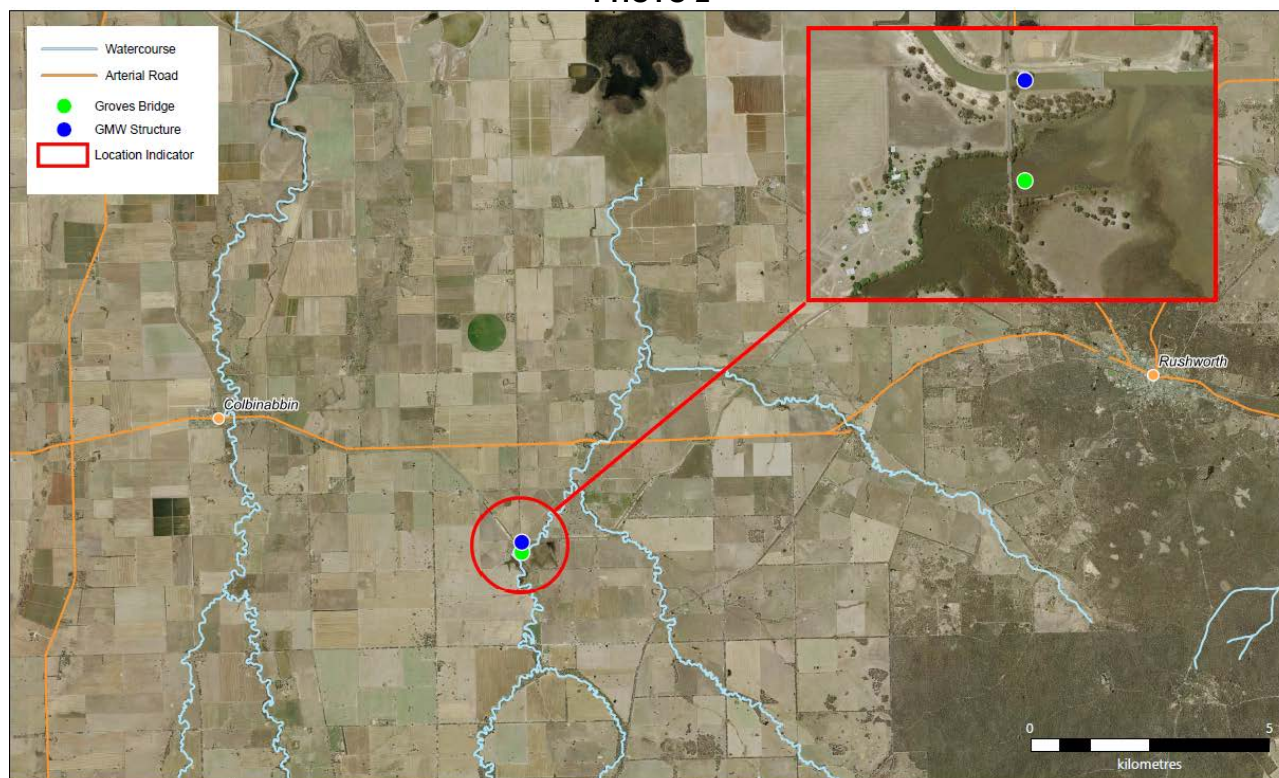
Lengthening of the bridge structure is an alternate option and it would need to be extended to the south by approximately 60 metres. This would replace this section of road and extend the bridge length from 20 to 80 metres. Presuming a continuation of costs this would add up to \$3M to the cost of the project.

## Issue 3: Other asset owners – Goulburn Murray Water

Goulburn Murray Water (GMW) own a structure 200m to the north of Groves Weir Bridge, as seen in Photo 2. This structure is the same width as the Council's bridge and is also identified as having the same weight bearing problem. Council is awaiting GMW's advice on how this and other structures should be managed, specifically, if Council should limit the roads where restricted GMW structures are found. Once GMW inform Council of the outcome of their deliberations staff will take appropriate action.

This means that there is a possibility that the current Council project will result in a structure built to standard for weight and width while GMW's structure on the road may limit traffic weights and widths. Should GMW choose to renew this structure there is no guarantee they will replace it with a two lane bridge. Furthermore, renewing Council's structure as a two lane bridge does not guarantee that other structures will be renewed.

PHOTO 2



#### Issue 4: Funding and delivery

Council staff had hoped to gain external funding for bridge works however the Bridge Renewal Program fund rules were changed to only allow wooden structures with significant numbers of users to be replaced. As such none of the bridges in this year's program qualified and no external funding was received. Guidance on the future of the Fixing Country Roads fund is also not confirmed. Currently Groves Weir Bridge works are to be at Council cost.

Permits and construction works are dictated by the project scope.

#### Issue 5: Impact on the Long Term Capital Plan

Moving to a wider bridge with the planning, permits and higher cost will result in construction delays beyond the current financial year. Delays will reduce the 2019/20 actual spend and increase subsequent budget allocations.

#### Issue 6: What other bridge examples might be influenced or impacted by this decision

Any of Council's bridges that do not meet the current Australian Standard that come due for renewal through age or failure may be impacted by this decision. Forty-five bridges do not meet current standards for weight loading and width. If usage is the deciding factor, then there are 24 other bridges with at least 40 vehicle movements a day which would equate to approximately the same number as Groves Weir. Costs associated with this issue are provided in Table 1.

Taking the cost of work planned for Groves Weir bridge as the lower case and comparator, c \$1.1M, and the lowest likely increase, (\$500,000 more cost), as the upper case and an extended bridge as the most expensive case, (\$4M), this decision would form the precedent at the following possible costs.

**Table 1**

| <b>Bridges needing replacement</b>                       | <b>Comparator<br/>\$1.1M<br/>1 lane</b> | <b>Upper case<br/>\$1.6M<br/>2 lane</b> | <b>Top case<br/>\$4M<br/>2 lane</b> |
|--|---|---|-------------------------------------|
| 24 bridges with traffic at or less that of Groves        | \$26.4M                                 | \$38.4M                                 | \$96M                               |
| 45 bridges not meeting current weight or width standards | \$49.5M                                 | \$72M                                   | \$180M                              |
| Mean cost risk   | \$38M                                   | \$55.2M                                 | \$138M                              |

The “*mean cost risk*” line shows what the middle point cost to Council would be presuming 34.5 bridges (the mean of the “bridges needing replacement”) was to be used. As an example, if Council decides that it should use the Upper case as the expected then it would expect to spend \$55.2M on replacing its bridges versus the best case of only needing to replace \$38.4M and a worst case of \$72M.

The mean difference between the cost of the one lane bridge and the upper case accounts for approximately one year’s average renewal works for all Council assets. Should the mean move toward the cost of the extended bridge then the number of years funding taken up goes up significantly.

The bridges in this cohort are the older bridges so are expected be due for renewal within the next ten years. As evidence of this all the bridges identified for renewal, repair or closure in the 2019/20 budget were built in the same period (1967-1969).

#### 6a Fox Island replacement (two lanes)

Council authorised the replacement of Fox Island Bridge with a two lane structure to Australian Standards. However, Fox Island has traffic loads almost four times that of Groves Weir, is on a PTV route, a milk tanker route and it is also considered a bridge of district significance to the extent that it attracted Federal Funding. (132 movements.) The nearest alternative route suitable for heavy vehicles was also thirteen kilometres away.

#### 6b Removing bridges – Mulvehill’s Bridge, Toolleen and Council policies 091 and 118.

Council resolved in July 2017 to remove Mulvehill’s Bridge Toolleen because the cost of replacing the bridge, its low usage, lack of external funding and availability of alternative routes within 3 kilometres, made it uneconomic and did not meet Council policy. Council policies 118, Asset Rationalisation and 091, Strategic Asset Management, and the relevant policy hurdles. The cost of that structure was \$475 000, approximately half of the construction cost of the single lane option of Groves Weir Bridge.

The recommendations for Groves Weir are based on the same policy hurdles. The nearest alternative routes are also within three kilometres of the current structure and the cost of the bridge is twice that of Mulvehill’s. Should Council determine the bridge be two lane and need extended the price would be closer to five times that of Mulvehill’s Bridge.

The reason for recommending the bridge remain open is that its usage is in to the forties of vehicles per day whereas Mulvehill’s Bridge had an average of four vehicles per day. However, on district impact and every other measure Groves Weir is directly comparable with the Mulvehill’s Bridge proposal.

#### **Policies**

Council Policy 118 (resolved July 2019) states that:

“Council should only own, provide, operate, maintain and renew assets which are sustainable to meet agreed service levels thus freeing up funding for other priority assets.....

Assets will not be automatically replaced at the end of their useful life. The reasons can include but are not limited to:



- a. Assets that do not provide, or are not required to provide a minimum level of Service.....
- e. Alternative methods of delivery of either the service the asset provides, or the asset itself are available, or would be available if Council withdrew it...”

Policy 091 (resolved November 2017) states that:

“a. Service delivery needs form the basis of asset management;...

- f. Any asset renewal will first consider the requirements of Policy 118 (Asset Rationalisation) to ensure the validity of the asset, or service it is related to, into the future.”

Service delivery, access to property, can be maintained through other means and in line with Policy 118 this structure could be considered disposable once at end of life.

### **Risk:**

| Risk  | Likelihood  | Consequence   | Rating | Mitigation action  |
|---|---|---|--------|--|
| Significant risk of not being able to fund bridge replacements based on use or Australian Standards. Refer to Table 1 for costs.              | High  | High  | High   | Choosing alternative solutions to a widened or lengthened bridge means future decisions can be based on the same reasoning. Or Council will be relying on external contributions which have not been available so far. |
| Council has claims made against it for injury or property damage because it did not meet the operable standards in developing the new bridge. | Moderate<br>Depends on users which is an unknown and uncontrollable variable. | Extreme<br>Financial, reputational risks as well as possible requirement for new bridge or further capital expense to mitigate. | High   | Deliver the bridge to the operable standard of the day so extinguishing this risk.   |

## **9. Options**

### Option 1: Approve the delivery of a single lane 4.8m wide bridge on Groves Weir Road

This outcome sees Council deliver the Australian Standard single lane bridge capable of carrying all types of standard vehicle up to 160 tonnes. This option covers CFA, Postal Delivery, Tourism and all commercial and residential style traffic. Council could choose to not include barrier work, which is not to Australian Standards but would allow a lot of the wide traffic to use the structure. The costs and risks are known at this time and the project can be reasonably delivered without further delay. This option does not address the weight and width of the GMW structure to the north of the bridge.

This option is recommended by officers.

### Option 2: Resolve to deliver a two lane bridge to the current standard

In this option Council would look to deliver a structure of 7.6m width and upgrade the access roads to account for the new size. The end solution could be either an extension of the current structure or a widening of the access roads to account for the lack of clearway present. Costs are not known without detailed design. The

future of the GMW structure to the north remains unknown and there is no guarantee that any widening of the Council structure won't simply be rendered moot by limiting of the GMW asset in the future. Costs will increase by at least five hundred thousand dollars and the project construction delayed to the 2020/21 financial year impacting the capital works program.

This option is not recommended by officers.

Option 3: Resolve to replace the current structure with one of exactly the same dimensions.

In this case Council would replace the current structure with one of exactly the same dimensions. This would mean Council would be building outside of Australian Standards and would still require creation of road clearway. Costs are not known without detailed design and with the future of the GMW structure to the north unknown there is no guarantee that the width and weight capacity of this option won't simply be rendered moot by the limiting of the GMW asset in the future. Costs are likely to increase, and project construction moved solely in to the 2020/21 financial year.

This option is not recommended by officers.

Option 4: Demolish the bridge.

With alternate routes available to the east and west and the indicative 12 tonne limit remaining on the GMW structure to the north, Council could choose to demolish the Groves Weir Bridge. Replacing Council's structure won't guarantee the road is able to take heavy or 6.5m wide vehicles while GMW's structure is limited to its current width and weight capacity. This decision would be based on the same logic as Mulvehill's Bridge in 2017. Based on state guidelines for what qualifies as a significant bridge, as well as the availability of alternative routes. Demolishing the bridge would drop the cost of the project to removing the bridge structure and site restoration. Ongoing maintenance and future renewal costs would also be reduced.

This option is not recommended by officers.

Options 5: Design for a wider bridge and hold on development until grants become available – status quo.

This option would design a wider bridge and delay construction until an appropriate grant opportunity is identified. This would have the benefit of maintaining the width of the road in line with the respondent's wishes and at the same width as the GMW structure to the north. There is no guarantee of a suitable grant opportunity being identified in any foreseeable or community acceptable timeframe.

In the alternate GMW may be required to make a decision regarding the ongoing format of their structure to the north in which case the choices for Council may be made easier.

The bridge will degrade to the point that it requires either further restriction or closure. If users overload the bridge this will be an accelerated process. So this option has a comparatively restricted life. It is expected that action would be required within five years.

This option is not recommended by officers.

## 10. Strategic Planning Environments

|                                      |  |
|--------------------------------------|--|
| Strong and Engaged Communities       | Taking the report to Council for decision enables the opinions of engaged and active residents to be recognised at the highest level.  |
| Resilient Economy                    | Local people have commented that the bridge is vital to their business and life. The proposed solution allows for the continuation of those businesses taking in to account the restrictions of the road.    |
| Healthy Environment                  | No impact.   |
| Balanced Services and Infrastructure | It is vital to the ongoing care of Council's asset base that appropriate solutions are found for service delivery. The recommended solution is appropriate for the majority of the traffic on the structure. |



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|                        |  |
|------------------------|--|
| Responsible Management | Council has a duty of care to deliver sound fiscal governance. The recommendation offers appropriate service at an affordable cost taking in to account similar situations across the shire. |
|------------------------|--|

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## 11. Consultation

### Internal consultation:

- Road Services Team
- Engineering Design Team
- Project Manager
- Asset Manager
- Risk officer
- General Manager Infrastructure Services
- Executive Management Group
- Councillors in November 2018 briefing session
- Councillors in September 2019 briefing session
- Councillors in January 2020 briefing session

### External consultation:

- Local community through three separate process in 2018 and 2019
- Bridge Consultants
- Federal Department of Infrastructure
- State Member of Parliament Mr Peter Walsh
- State Member of Parliament Mrs Steph Ryan
- National Heavy Vehicle Regulator (NHVR)
- Regional Roads Victoria
- Rural Development Victoria
- Victorian Farmers Federation

### **9.3. Council Policy Review**

**Cr Pankhurst declared a conflict of interest in item 9.3 and vacated the Chamber at 6:32pm**

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

**Attachments:**

- 9.3.1 Council Policy 067 – Port of Echuca Precinct - Tourism Ride Operators
  - 9.3.2 Council Policy 155 – Campaspe Service Planning
  - 9.3.3 Council Policy 039 – Risk Management
  - 9.3.4 Policy INT 087 – Planned Activity Bus
  - 9.3.5 Policy INT137 – Port of Echuca Museum Collections Management
  - 9.3.6 Council Policy 002 – Guaranteeing of Loans – to be revoked
  - 9.3.7 Council Policy 066 – Best Value – to be revoked
- 

**1. Purpose**

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

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**2. COUNCILLORS NEELE / PENTREATH**

**That Council:**

- 1. Adopt the following reviewed Council policies:**
  - a) **Council Policy 067 – Port of Echuca Precinct - Tourism Ride Operators**
  - b) **Council Policy 155 – Campaspe Service Planning**
  - c) **Council Policy 039 – Risk Management**
- 2. Approve the following Council policies to become Internal policies:**
  - a) **Policy INT087 – Planned Activity Bus**
  - b) **Policy INT137 – Port of Echuca Museum Collections Management**
- 3. Revoke the following policies:**
  - a) **Council Policy 002 – Guaranteeing of Loans**
  - b) **Council Policy 066 – Best Value**

**CARRIED**

### 3. Conflict of Interest

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

### 4. Charter of Human Rights

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

### 5. Instrument of Delegation

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

### 6. Background

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, and the policies are also attached.

| Policy No.   | Policy Title                                     | Purpose   | Summary of Proposed Changes  |
|--|--|---|--|
| <b>DIVISION – ECONOMIC AND COMMUNITY DEVELOPMENT</b> |  |   |  |
| 067  | Port of Echuca Precinct - Tourism Ride Operators | To ensure high quality service delivery in the provision of rides and tours in the Port of Echuca precinct. | Changes to the policy include title, purpose and extensive changes to the policy statement to include various forms of tourism ride operators.<br><br>The review date has been changed to four years in accordance with policy review matrix assessment. |

| Policy No.   | Policy Title              | Purpose  | Summary of Proposed Changes  |
|--|---------------------------|--|--|
| <b>DIVISION – ECONOMIC AND COMMUNITY DEVELOPMENT</b> |                           |  |  |
| 155  | Campaspe Service Planning | To articulate Council's commitment to service planning and establish a framework to ensure service planning is undertaken in a structured, consistent, considered, cost effective and financially sustainable manner across the whole of the organisation. | Proposed changes include: <ul style="list-style-type: none"> <li>Changing the review date to three years in accordance with policy review matrix assessment.</li> <li>Revoking Council Policy 066 Best Value as the policy intent and principles are included in the Service Planning Policy</li> </ul>  |
| <b>DIVISION – CORPORATE SERVICES</b>                 |                           |  |  |
| 039  | Risk Management           | To formalise and document Council's commitment to an enterprise wide risk management program that identifies, manages and minimises Council's risks in the achievement of council objectives.  | There are extensive changes to the policy including: <ul style="list-style-type: none"> <li>the policy statement purpose and objectives</li> <li>risk appetite statement - has been broadened and is more prescriptive</li> <li>best practice – inclusion of a statement.</li> </ul> The Audit and Risk Committee has also reviewed this policy. |

| Policy No.  | Policy Title                                 | Purpose  |
|---|--|--|
| <b>Council policies to become Internal policies</b> |  |  |
| INT087  | Planned Activity Bus                         | To ensure Planned Activity Groups Buses are compliant with all legislation and used appropriately when accessed by the community during off peak periods   |
| INT137  | Port of Echuca Museum Collections Management | The Port of Echuca Discovery Centre is a key attraction within Campaspe Shire Council which seeks to provide an accurate, informative, interesting and interactive experience for visitors. The Port of Echuca Collections Policy provides guidance as to how the artefact collection is managed and developed including the acquisition, management and deaccession of artefacts from the collection. |

| Policy No.                            | Policy Title          | Reasoning for Revocation   |
|---------------------------------------|-----------------------|--|
| <b>Council policies to be revoked</b> |                       |  |
| 002                                   | Guaranteeing of Loans | The review identified Council has not resolved to guarantee any loan since 2002 and there are only three instances of the policy having been used since Campaspe Shire Council was formed. |
| 066                                   | Best Value            | The review identified that the policy intent and principles are included in Council Policy 155 – Campaspe Service Planning.  |

## 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: No impact

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

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

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## 10. Consultation

Internal Consultation

Responsible policy officers

Executive Management Group

Councillors at the 4 and 11 February Briefing sessions.

**Cr Pankhurst re-entered the Chamber at 6:38pm**

**COUNCILLORS ZOBEC / NEELE**

**That Council take a recess for 5 minutes at 6:39pm**

**COUNCILLORS WILSON / MACKRELL**

**That Council reconvene the meeting at 6:45pm**

**CARRIED**

#### **9.4. New Council Policy – Operation of the Waste Reserve**

**Author:**

Kate Lemon, Public Environments Manager

Brian Holmes, Waste and Environment Coordinator

**Attachments:**

9.4 Draft Council Policy 173 - Operation of the Waste Reserve

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**1. Purpose**

To adopt the new Council Policy 173 - Operation of the Waste Reserve.

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**2. COUNCILLORS NEELE / WILSON**

**That Council adopt Council Policy 173 - Operation of the Waste Reserve.**

**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

The waste reserve has been an important funding source for waste related requirements that arise given the dynamic nature of waste management and the changing regulatory framework.

Historically, Council made an allocation to the reserve through the annual capital budget process. This allocation was a set amount as agreed by Council. The reserve is used to fund legacy landfill rehabilitations and to fund improvements to waste infrastructure and/or to maintain facilities in compliance with legislative changes.

In the 2018/19 financial year Council ceased funding the waste reserve through the capital budget process and commenced funding the reserve through an annual allocation generated through fees and charges raised for the provision of the waste service.

The annual allocation to the reserve funds works associated with waste management. These works ensure that Council meets changing and evolving legislative requirements, ensures waste infrastructure is at current best practice and assists in diverting greater volumes of waste from landfill.

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## 7. Content

The Operation of the Waste Reserve Policy addresses both the operation of the waste reserve and the annual financial allocation to the waste reserve.

The purpose of the policy is to ensure that Council meets its legislative obligations regarding the raising of waste fees and charges and to ensure that sufficient funds are available to meet waste service capital infrastructure requirements as documented in Council's 10 year capital works plan.

When setting waste fees and charges in the annual budget process Council assesses both the waste related operational costs and capital projects to be delivered in that year according to the 10 year capital plan.

Funds raised through fees and charges and allocated to the waste reserve are used for waste capital infrastructure.

When setting waste fees and charges in the annual budget Council must ensure that:

- The full cost of performing waste and resource recovery services are met
  - There are sufficient funds raised annually to ensure an allocation is made to the waste reserve that aligns with the 10 year capital works plan
  - The waste reserve has sufficient funds allocated to deliver the activities identified in the capital works plan for the following year and must give consideration to the identified requirements of subsequent years.
- 

## 8. Issues and Risk Management

### Issues:

#### Issue 1:

A policy that governs the operation of the waste reserve has not previously been in existence. This presents issues associated with governance and legislative compliance. This policy guides the operation of the waste reserve and the setting of fees and charges to meet the costs of the provision of all waste related activities in both the operational and capital spheres.

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**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. This policy reduces risk to Council by documenting how the waste reserve will be operated.

**9. Strategic Planning Environments**

|                                      |  |
|--------------------------------------|--|
| Strong and Engaged Communities       | No Impact  |
| Resilient Economy                    | No Impact  |
| Healthy Environment                  | The policy ensures Council are able to raise sufficient funds to meet waste management responsibilities as outlined in the 10 year capital works program ensuring the ongoing health of the environment is maintained. |
| Balanced Services and Infrastructure | Infrastructure and services will match the community need as legislation and compliance changes over time.   |
| Responsible Management               | The policy supports clear and open communication, promotes a positive organisational culture and fosters a customer centred approach.  |

**10. Consultation****Internal consultation:**

- Executive Management Group
- Corporate Services

**External consultation:**

- Victorian Auditor General report

**Councillors:**

- Councillors at the 4 February 2020 Council Briefing Session.



## **9.5. New Council Policy – Complaint Handling**

### **Author:**

Sandra Ennis, Communications Manager

### **Attachments:**

9.5 Council Policy Complaint Handling

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#### **1. Purpose**

To adopt Council Policy 174 - Complaint Handling outlining Council's commitment to the management and resolution of complaints.

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

**That Council adopt Council Policy 174 - Complaint Handling.**

**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**

Council adopted a Customer First Strategy in October 2018. Since that time an Action Plan has been developed, identifying 17 actions needed to implement the strategy across the next four years. One action is to develop a complaints handling policy, then develop a framework for each step, outlining accountability and escalation points and train staff. This report recommends adopting the policy, the first step in this action.

The policy also aligns to Council's Customer Service Charter, adopted by Council in 2008 and reviewed in 2016. This charter provides an outline of the service standard and expectations of management and staff. The charter outlines response times for correspondence and telephone messages. The review in 2016 includes reference to a complaints process, noting that it needed to be developed and implemented across the organisation.

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#### **7. Content**

The policy has been drafted in line with the Victorian Ombudsman report, Councils and complaints – a Good practice guide, February 2015. A review of policies in place across other municipalities has also taken place.

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The policy reinforces Council's desire to provide customers with a complaints handling process that is effortless, accurate and friendly, in line with the Customer First Strategy. The policy acknowledges members of the public have the right to complain and provide feedback and this policy aims to:

- Inform the community of how Council will manage their complaints;
- Ensure that Council staff are aware of their obligations in relation to complaint handling;
- Clarify the roles and responsibilities of Council staff;
- Establish timeframes for resolving complaints;
- Ensure complaints are handled fairly and objectively; and
- Ensure an open and transparent process.

The policy sets out a four-tiered approach to complaint handling but acknowledges that customers may prefer to escalate their concerns directly to another body (eg. Ombudsman).

In summary, the levels include:

Level 1 – The staff who receive the complaint resolve it immediately.

Level 2 – The complaint progresses to the business area Coordinator or Manager to investigate and report the findings to their General Manager for a decision.

Level 3 – An internal review, conducted by a General Manager not within the business area.

Level 4 – Advise the complainant of external avenues they can use to pursue their complaint.

The policy also sets out the roles and responsibilities of staff at each level.

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

### **Issues:**

The new policy will need to have a framework developed, to then roll out the policy and framework to ensure staff know their responsibility at each level within the four-level process.

This has been identified in the Action Plan for the Customer First Strategy and will be a key focus of the Customer Service Coordinator to develop the framework and roll it out across the organisation.

By establishing a framework and reporting system, the organisation will have a clear indication of the number of complaints and at what level they are being resolved. This is in line with the recent Victorian Ombudsman report of October 2019, embracing complaints for the free feedback they provide and the need to handle them well and reap the benefits.

### **Risk:**

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

## **9. Strategic Planning Environments**

|                                |           |
|--------------------------------|-----------|
| Strong and Engaged Communities | No impact |
| Resilient Economy              | No impact |
| Healthy Environment            | No impact |

Balanced Services and Infrastructure      No impact

Responsible Management      The policy aligns to the vision in Council's Customer First Strategy, providing the community with a complaints handling process that is effortless, accurate and friendly. The policy sets out a four-level process that will enable customers to clearly see how their complaint will be managed.

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## **10. Consultation**

The policy has been drafted in line with the Victorian Ombudsman report, Councils and complaints – a Good practice guide, February 2015.

Consultation has been undertaken with the Executive Management Group and Councillors at the 11 February 2020 Briefing Session.

## **9.6. Relinquishing Committee of Management status at Kow Swamp Lions Park**

### **Author:**

Paul McKenzie, General Manager Regulatory and Community Services

### **Attachments:**

9.6 Deed of Delegation

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### **1. Purpose**

To determine if Council has an ongoing role in the management of the "Lions Park" located at Kow swamp.

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### **2. COUNCILLORS PENTREATH / PANKHURST**

#### **That Council:**

- 1. Write to the Department of Environment, Land, Water and Planning (DELWP) to indicate that:**
  - a) The land parcel known as the Kow Swamp Lions Park is no longer able to meet the existing service level due to Health and Building code regulations relating to waste water disposal that prohibit the construction of new toilet facilities within the land parcel.**
  - b) Without the ability to provide basic Park amenities such as a toilet and BBQ, the need for Council management of the site does not exist.**
  - c) The level of service that would be provided by the park once the infrastructure has been removed would be categorised as undeveloped open space.**
  - d) Based on the above points, Council requests that its Committee of Management Status for the Kow Swamp "Lions Park" be revoked.**
  - e) Council will remove those assets it has on the site and will leave the site in state as required under its Deed of Delegation from the Crown (see Attachment 9.6.2) i.e. that all assets are removed, and the site made good.**
- 2. Note that the demolition and removal of all Council infrastructure including the toilet block and barbeque located at the Kow Swamp Lions Park was approved in the 2019/2020 capital program due to:**
  - a) the need to comply with environmental health regulations that prohibit the discharge of waste water close to water ways,**
  - b) the requirement to replace the waste water management system;**
  - c) and the general age and poor condition of the facilities.**
- 3. Write to Goulburn Murray Water (GMW) to advise that:**
  - a) It is Council's view that the erosion at the Kow Swamp Lions Park has been brought about by the use of Kow Swamp as a mid- Murray water storage facility operating with high water levels for extended periods of time.**
  - b) Erosion controls are urgently required at the site of Kow Swamp Lions Park if further degradation of the site is to be avoided.**

- c) **Council offers its ongoing support of the GMW Land on Water Management Plan Committee and the role it is playing in addressing the serious erosion issues facing the lake.**
  - d) **Council declines the request to provide a Cultural Heritage Management plan for the site to be used in the GMW erosion control project as it is not required for the demolition and removal works that Council will be undertaking at the site.**
4. **Note that officers will remain as a member of the GMW Land on Water Management Planning committee for Kow Swamp if GMW wishes to maintain a Campaspe Shire Council representative.**
  5. **Write to the Leitchville Lions Club informing them of Council's request for the Crown to take back Committee of Management responsibility.**

## **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**

Kow Swamp is a lake located in the far north west corner of the municipality. Much of the lake forms the boundary of the municipality separating Campaspe Shire from Gannawarra Shire. The lake was constructed in the early 1900's on the site of a swamp that filled via Taylors creek when the Murray river was in flood or when high water levels occurred. It now forms part of Victoria's irrigation system and is managed by Goulburn Murray Water as a "Mid Murray Storage" enabling the water authority to hold sufficient water for release back into the irrigation system at periods of peak demand. The lake is a significant aboriginal cultural heritage site and has been recognised internationally as one of the largest burial sites of its type in the world with the earliest human habitation estimated as having occurred between 15 and 20 thousand years ago.

The lake is surrounded by a mix of land tenures including private farm land, Crown land managed directly by the Crown, leased Crown land and Crown land that has been delegated to a committee of management. The biggest issue confronting Kow Swamp is erosion due to the destruction of the riparian zone (a result of grazing) and the erosion of the lakes shore as a result of wave action (particularly when the storage is full). The impact of wave action on the prevailing wind side of the lake has been significant. In places the original lake boundary has shifted as the bank has crumbled into the water and one of the most impacted sites is the Crown land known as the Lions Park.

The Lions Park is located on the north eastern side of the lake close to Taylors Creek. It is a thin sliver of land sandwiched between the shore of the lake and freehold land. The width of the land ranges between a few metres wide at the Taylors creek end to a maximum of 25 metres wide where it terminates.

**Figure 1: Kow Swamp Picnic Reserve**

The Lions Park has been the main access point to the lake for many local residents of the nearby Leitchville community (located in Gannawarra Shire). It is looked upon with great fondness as a swimming spot and community gathering point by generations of users and there has been a high level of community concern regards the impact erosion was having on the site. Council inherited the site as the Committee of Management direct to the Crown upon amalgamation to form the Shire of Campaspe. The Leitchville Lions club was instrumental in the original development of the parks facilities and has continued to play a role checking that the toilets and BBQ remain operational, changing the gas for the barbeque and alerting Council when repairs and maintenance were necessary.

Council provides weekly mowing, cleaning of the toilet block and barbeque and performs minor maintenance equating to annual operational expense of approximately \$13,500 per annum (exclusive of depreciation and any major maintenance that might be required).

In January 2011, a large flood impacted the lake increasing the amount of erosion above the gradual rate it had been occurring at. The Lions Park was identified as requiring erosion control works to prevent the bank from continuing to crumble and threatening to reach the toilet facility on the site. Application was made to the Federal Governments Flood fund by Council on behalf of the Lions Club and GMW but was rejected on the basis that the erosion had begun prior to the flood. Since that time erosion has continued to occur and GMW has sought to bring all relevant parties to the table to address a range of issues identified in its Land on Water Management Plan that relate to the entire lake including the way the water storage is used, the lake boundary, land tenure arrangements, cultural heritage, pest plant and animal concerns.

Council is a member of the GMW Land on Water Management Plan Community Implementation committee which contains representatives from the Catchment Management Authority, DELWP, Fisheries Victoria, Gannawarra Shire, Community Representatives, the Yorta Yorta and Aboriginal Victoria. The committee's role is to implement the Plans recommendations and provide advise to GMW on matters related to the plan

Over recent years maintenance costs at the Lions Park have been increasing. The pump for the toilet and the barbeque were aging and required regular repair. The facilities were closed when it was reported that the waste water system was saturating the surrounds. Investigation proved that the waste water system needed replacement and that the effluent from the system had saturated the surrounding soil and was likely entering

the lake. Additionally, the saturated soil was contributing to the speed at which erosion was occurring close to the toilets.

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## 7. Content

Due to health and building code regulations, it is not possible to replace the waste water system on the Lions Park site. Waste water systems must be more than 60 metres from a water way and this was unable to be achieved. Without a waste water system the toilet block is redundant. Council closed the facility in late 2018 and considered the matter of demolition and removal of the structures it was responsible for as part of the 2018/19 budget process.

The need to fully remove the infrastructure from the site was reinforced as campers continued to use the toilet facilities breaking locks and turning on the water pump on a number of occasions before Council was eventually forced to remove the pump and increase the level of security to prevent further break-ins.

While the barbeque shelter was not yet at intervention level, Council service level is to provide toilets in close proximity to barbeques and therefore avoid the potential health impacts that may occur as a result of users relieving themselves in an area designated as a public eating and food preparation space. It was also apparent from the maintenance record that repairs to the barbeque were becoming more frequent and it would likely require replacement sooner rather than later.

Council adopted the 2018/19 budget which included a project for the demolition and removal of all Council assets from the site. The project is underway, and the demolition works have been scheduled to occur over coming weeks.

### *Infrastructure requirements – The assets required to deliver a service*

The Lions Park is unable to provide the toilet and barbeque facilities associated with a Park containing a barbeque. Once the facilities are removed, the site will become/ be returned to “undeveloped open space”. There is sufficient open space available to meet the needs of Leitchville and Gunbower communities. There is a need for an access point to the lake and a barbeque and toilet facility however it is not possible for this site to be used to provide this. Therefore, Council has no service requirement to retain the Lions Park and should seek to relinquish its committee of management status and clear the site. Council’s deed of delegation from the Crown requires the site to be cleaned and all infrastructure that is the property of Council removed. It is recommended that Council should write to DELWP and begin the process of relinquishing its CoM role.

### *Leitchville Lions requests*

Recently Council received a request from the Lions Club asking if Council might:

- Make the Lions Club committee of management for the site - This is not a matter that Council can determine, and the Lions Club have been advised that if they wished to become Committee of Management they should approach DELWP to gauge their level of support
- If Council was to relinquish its Committee of Management (CoM) status, could the toilet and barbeque facilities be left in place (with a view to the Lions Club repairing and maintaining the facilities). Regardless of which organisation is appointed, the building code and environmental health acts apply to all. The toilets cannot be replaced or repaired. Additionally, Council’s deed of Delegation requires Council to clean and remove all of its assets from the site if it wishes to relinquish its CoM status. Officers have indicated to the Lions club that it is possible for the contractor to put aside the demolished barbeque and once the contractor has deemed it safe, the Lions Club is welcome to have it. It has been stipulated that Council cannot guarantee the condition it will be in after demolition

While Council has no authority in regard to the appointment of a CoM, Council has no objection with the Lions Club taking management responsibility for the Park if they were to request this of DELWP

### *GMW request for Council to undertake a Cultural Heritage Management plan before leaving the site*

Council has no need to complete a cultural heritage management plan for demolition and removal of its facilities. However, Council recognises the sensitive nature of the site and the high cultural heritage values and will seek input to the demolition process from Yorta Yorta. A formal Cultural Heritage Management Plan

has been estimated to be in the order of \$15 000 to \$25 000. Initially, it was thought that the demolition works would require a cultural heritage management plan for the demolition works. It had been suggested that if Council was to have a plan developed it could include the erosion control project within the scope of the plan and works; thus saving the need for GMW to do a second plan, however this proved not to be the case. Given the Council demolition project does not require a plan, the project budget did not allow for this cost.

Requirements of a CoM are documented in a deed of delegation and Council is only responsible for removing its buildings. It does not require a cultural heritage management plan and the erosion damage was caused by wave action and not through any fault of Council.

It is recommended that Council should inform GMW that it will not be providing them with a Cultural Heritage management plan.

## 8. Issues and Risk Management

### Issues:

The matter of an agreed community access point to the lake which can facilitate a range of swimming, fishing and boating activities has not been resolved. This matter requires the cooperation of many organisations and is not the responsibility of Council. GMW's Land on Water Management Plan Implementation Committee will play a significant role in facilitating this and it is not intended that Council would withdraw from playing its part as a member of this committee.

If and when an agreed site is found, an analysis of the required infrastructure, the funding required, and any involvement Council might have in this will require a Council decision based on the facts at that time.

### Risk:

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

## 9. Options

### Option 1: Write to DELWP requesting Council's Committee of management status be revoked for the Kow Swamp Lions Park

This option is in line with Council's asset management strategy regarding the disposal of assets not required. The site cannot hold the assets necessary to deliver the appropriate service level i.e. a park containing a barbeque and toilet. If it were land owned by Council, the land would now be excess to need and require disposal. Given it is Crown land, it requires responsibility of the land be returned to the Crown.

This option is recommended by officers.

### Option 2: Council maintains its role as Committee of Management direct to the Crown.

The service requirements for this space cannot be met and therefore Council has no continuing service role to perform. Maintaining management responsibility simply complicates the matter and prevents any interested party from taking responsibility for the Park.

This option is not recommended by officers.

## 10. Strategic Planning Environments

|                                |  |
|--------------------------------|--|
| Strong and Engaged Communities | The potential for the Leitchville Lions Club to manage the space if Council relinquishes Committee of Management Status will provide an opportunity to develop the community's skills in this area |
| Resilient Economy              | No impact  |



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|                                      |  |
|--------------------------------------|--|
| Healthy Environment                  | No impact  |
| Balanced Services and Infrastructure | Council is disposing of assets that are not required to support a service reducing the financial burden this imposes and returns land management responsibility to the Crown for Crown land it no longer requires. |
| Responsible Management               | No impact  |

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## **11. Consultation**

Consultation has been undertaken with the Recreation Manager and team, GMW and the Leitchville Lions club representatives; noting that the latter do not agree with the Administration's advice.

## **9.7. Port Precinct Concept Plans**

### **Author:**

Andrew Cowin, Corporate Strategy Manager

### **Responsible Manager:**

General Manager Economic & Community Development

### **Attachments:**

9.7.1 Draft Murray Esplanade Concept Plan and draft Social Seating Plan

9.7.2 Draft Port Precinct branding scope

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### **1. Purpose**

To seek Council's endorsement of the draft Murray Esplanade Concept Plan, draft Social Seating Plan and draft Port Precinct branding scope as supporting implementation of the Port Precinct Plan Vision.

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### **2. COUNCILLORS PENTREATH / PANKHURST**

#### **That Council:**

#### **1. Endorse the:**

- a) **Draft Murray Esplanade Concept Plan and draft Social Seating Plan, and**
- b) **Draft Port Precinct branding scope.**

#### **2. Note the draft Murray Esplanade Concept Plan and Social Seating Plan be referred to the 2020/21 budget for consideration of funding for detailed design.**

#### **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 late January and early February 2018, the development of a vision for the Port Precinct commenced with a number of engagement opportunities for the community and precinct businesses/operators. Engagement was seen as critical in the development of the long term vision.

The vision and strategic directions were presented to Council on the 26 June 2018. Council resolved:

*That Council:*

1. *Note the vision and strategic directions have been developed following extensive community and stakeholder consultation and engagement.*
2. *Note the vision "A place to take your time, relax and enjoy yourself" as the vision for the precinct.*
3. *Note the strategic directions that support the implementation of the vision as:*
  - a) *A place to linger, interact and connect*
  - b) *A destination celebrating living with nature and history*
  - c) *An arts and culture, events and entertainment hub*
  - d) *A place where collaboration makes it happen*
4. *Note the public realm opportunities identified in the "Port of Echuca Future – Report May 2018" as some of the ways council may support implementation of the vision and strategic directions.*
5. *Note the "Port of Echuca Future – Report May 2018" as a background report summarising the inputs to the development of the vision, strategic directions and opportunities.*

A Notice of Motion was made by Councillor Weston to the 17 July 2018 meeting that:

*That Council endorse the Port Precinct Vision "A place to take your time, relax and enjoy yourself".*

Council resolved:

*That Council:*

1. *Endorse the Vision for the Port precinct being:*

*"A place to take your time, relax and enjoy yourself"*
2. *Adopt the Strategic Objectives that support the implementation of the vision being:*
  - a) *A place where collaboration makes it happen*
  - b) *A destination celebrating living with nature and history*
  - c) *An arts and culture, events and entertainment hub*
  - d) *A place to linger, interact and connect*
3. *That the Chief Executive Officer prepare a draft implementation plan based on the vision and strategic objectives and include actions, budgets and deadlines in those areas relevant to Council.*
4. *That the draft implementation plan be brought back to Council for consideration highlighting any further community engagement that maybe required.*

In addition, equally relevant Council in adopting the 2018/19 Budget resolved (amongst others to)

*Adopt the 2018/19 Budget provided in Attachment 1, noting that it is the Proposed 2018/19 Budget endorsed and released for public comment by Council on the 1 May 2018, inclusive of the following amendments:*

- a. *Insert an additional initiative under the strategic objective of Responsible Management that reads "Commence the development of a Customer First Strategy that includes customer responsiveness".*
- b. *Add an additional note that explains the variation of the Other Expenses – Commission between 2017/18 and 2018/19.*
- c. **Update the budget document throughout to reflect the Port of Echuca and Discovery Centre service:**
  1. *additional income of \$42,727 and*
  2. *reduction of expenditure of \$182,000*
  3. ***expenditure to the value of \$224,727 be quarantined for the facilitation and advancement of Council's contribution to the vision and strategic direction of the Port Precinct Strategy; resulting in the overall Council subsidy for this service as \$1,417,510; monthly reports on Port of Echuca and Discovery Centre service.***

A report was presented to the 20 November 2018 Council meeting outlining the 2018/19 actions supporting implementation of the vision in line with of Councils resolution 3 and 4 of the Notice of Motion of the 17 July 2018, as well as providing recommendations as to the allocation of the \$224,727 quarantined as part of the budget development for implementation of the Port Precinct Plan.

The following was recommended to Council:

*That Council:*

1. *Note the 2018/19 Implementation actions supporting implementation of the Port Precinct Plan.*
2. *Affirm the budget allocations of:*
  - a) *Activation activities \$58,700*
  - b) *Activities administrative support \$6,500*
  - c) *Community activation grants \$20,000*
  - d) *Infrastructure \$83,800*
  - e) *Strategy \$55,000*

*to support implementation of the Port Precinct Plan.*

3. *Endorse the project aim and scope of the funded strategic work to further the implementation of the Port Precinct Plan as:*
  - a) *Aim - Campaspe is a desired front of mind visitor destination.*
  - b) *Scope:*
    1. *Identify emerging visitor trends – how visitors access information, select destinations, booking accommodation and activities.*
    2. *Review the current structure and arrangements in place for the provision of tourism services across Campaspe Shire.*

3. *Identify alternative models of service delivery and current best practice approaches for the provision of tourism services, including the provision of visitor information centres, tourism marketing, event attraction, support and coordination and make recommendations defining local government's role and responsibility on the preferred future approach in relation to the provision of these services.*
4. *Make recommendations in relation to the application of the preferred model broadly, including the identified roles and responsibilities as would apply specifically to the Port Precinct.*

Council resolved

*That Council:*

1. *Note the 2018/19 Implementation actions supporting implementation of the Port Precinct Plan.*
2. *Affirm the budget allocations of:*
  - a) *Activation activities \$58,700*
  - b) *Activities administrative support \$6,500*
  - c) *Community activation grants \$20,000*
  - d) *Infrastructure \$63,800*

*to support implementation of the Port Precinct Plan.*

Council at its meeting in March 2019 affirmed the allocation of the \$75,000 not allocated as part of Councils resolution of the 20 November 2018.

Council resolved

*The Council:*

1. *Affirm the budget allocations from the unallocated quarantined funds from the Port of Echuca and Discovery Centre service of:*
  - a) *Murray Esplanade Concept Plan \$22,000*
  - b) *Social Seating Plan and implementation \$41,000*
  - c) *Precinct Gateway Signage \$12,000*

*to support implementation of the Port Precinct Plan.*

This report presents the draft Concept Plan, social seating plan and precinct signage scope funded in Council's resolution in March 2019.

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## **7. Content**

The draft Concept Plan seeks to respond to long standing issues and concerns of both local traders and the community as well as issues highlighted through the development of the Port Precinct Plan Vision.

These concerns relate primarily to:

- dust and dirt from the existing gravel surface of Murray Esplanade
- the lack of seating both across the precinct and within Murray Esplanade

- the lack of shade within Murray Esplanade

The draft Concept Plan proposes a number of changes across Murray Esplanade in relation to the materials, surface treatments and vegetation. The design seeks to address the issues and concerns raised whilst maintaining the unique heritage of Echuca and the 1800's feel.

Key aspects of the draft Concept Plan include:

- Replacement of the gravel surface with a tonal pavement (paver) that reflects the earthy tones and natural colours of the original natural road surface, removing the issues associated with the dust and dirt.
- Red gum bench seating. The seating would be relocatable and could be moved throughout the precinct creating different layouts designs for different events and activities.
- Raised grass/garden mounds with seating edges, designed to reflect a natural billabong shape.
- An inlaid section of pavement in Murray Esplanade which replicates the Murray River flowing through the precinct. The radiating pavement would replicate the natural sediment deposits of the river environment. Water misting jets along the river inlay replicating the morning fog on the river. The jets may be used intermittently during hot summer weather cooling the space and encouraging people to stay longer.
- Aboriginal stories and/or history of the Murray River trade inlay into the pavement and/or seating across the precinct.
- Feature planting garden beds throughout the precinct including at entrances to discourage vehicle access. Blending of green and hard surfaces in ways that will survive in the harsh Echuca environment.
- Large central tree plantings and feature trees providing colour and shade.

The draft Concept Plan provides priority to the pedestrian and highlights the importance of pedestrian connection between the precinct and Alison Barge Walk and River Boat Dock. The draft Concept Plan retains provision for vehicle access through the precinct, which is particularly important for emergency services vehicles.

Issues relating drainage, heights and levels of finishes and exact materials and surfaces will be determined through detailed design, not this draft Concept Plan. Detailed design will ensure that the precinct meets the requirements of the Disability Discrimination Act thus providing equitable access.

A community listening post was held on the 7 November between 3 and 6pm at the Popup Park in Murray Esplanade. Approximately 25-30 people attended the listening post session despite the cold and windy weather.

Councillors Pankhurst, Wilson, Weston, Zobec and Pentreath all attended the session at various times.

Whilst the numbers at session were low there was mixture of local community members and tourists.

The discussions highlighted the following trends:

- Supportive of the replacement of the gravel surface with a paved surface. Particularly to remove the dust.
- Paving should be nature in colour, not grey. Colourings should reflect the surrounding natural environment and could seek to replicate the existing gravel in colour or texture.
- Strong support for the increase in shade and additional seating.
- Support for the bench seating both the reclaimed timber and concrete seating. Was suggested that seating could incorporate stories in the benches encouraging people to sit.

- Strong support for the increased landscaping and softening of the current harsh environment through trees and plantings.
- Strong appeal for the replication of the river inlay and the telling of stories and words within and surrounding the river effect of Aboriginal stories or history of the Murray River trade. Suggestions were also made that could reflect historic landmarks along the river.
- General agreement about the misting over the river inlay which seeks to mimic the winter fog over the river.
- Some concerns raised that overall the concept design was moving away from the heritage of Echuca and the 1800's feel and that it is not the Rocks in Sydney or Canberra, any design must reflect the uniqueness of Echuca and its heritage.

Given the low numbers attending the listening post session the following survey was sent to a focus group of 44 Echuca residents seeking their views on the draft Concept Plan. A total of 23 people completed the survey.

| Questions  | Yes | No  |
|--|-----|-----|
| <p><b>Question 1</b></p> <p>Throughout the consultation we heard concerns and issues around dust associated with the existing gravel surface of Murray Esplanade. The draft Concept Plan proposes the replacement of this gravel surface with paving.</p> <p>Are you in favour of the replacement of the gravel with a paved surface?</p>            | 61% | 39% |
| <p><b>Question 2</b></p> <p>Throughout the consultation we heard concerns and issues around the lack of seating within Murray Esplanade. The draft concept plan proposes raised concrete seating with central grass/garden mounds and red gum bench seating.</p> <p>Are you in favour of the increased seating and the type of seating proposed?</p> | 91% | 9%  |
| <p><b>Question 3</b></p> <p>Throughout the consultation we heard concerns and issues around the lack of shade and garden spaces within Murray Esplanade. The draft Concept Plan proposes raised gardens and large feature and shade trees.</p> <p>Are you in favour of the introduction of garden beds and tree plantings?</p>                       | 96% | 4%  |
| <p><b>Question 4</b></p> <p>The Concept Plan proposes a feature inlay in a short section of the Esplanade pavement representing Murray River. This section would also incorporate misting sprinklers for use intermittently during summer.</p> <p>Are you in favour of the Murray River feature inlay?</p>   | 87% | 13% |
| <p><b>Question 5</b></p> <p>The Concept Plan proposes Aboriginal stories and/or history of the Murray River trade inlay into the pavement and/or seating across the precinct.</p> <p>Are you in favour of this idea?</p>   | 91% | 9%  |
| <p><b>Question 6</b></p> <p>Are you concerned that the overall the concept design is moving away from the heritage of Echuca and the 1800s feel and that the design does not reflect the uniqueness of Echuca and its heritage?</p>  | 70% | 30% |

The following comments were also received as part of the survey:

| <b>Question 1 - Are you in favour of the replacement of the gravel with a paved surface?</b>   |   |
|--|---|
| <b>Yes</b>   | <b>No</b>   |
| <ul style="list-style-type: none"> <li>• <i>Great idea. I would have concerns about uneven paving due to people with mobility issues.</i></li> <li>• <i>As long as the paving is level and has NO tripping hazards</i></li> <li>• <i>As long as they stay in line with the heritage and it is not too modern</i></li> <li>• <i>Provided it stays true to the era</i></li> <li>• <i>After the survey is closed may be talk about what changes have been made to the plan following the consultation.</i></li> </ul>   | <ul style="list-style-type: none"> <li>• <i>That's how it was in the day. Horses &amp; carriages, dirt, horse manure steam etc all contributed to the authenticity of the area. Tourists expect to see the real deal.</i></li> <li>• <i>A paved surface would detract from the 1800's appearance. However as it is essential that people can walk comfortably and that wheelchair and walker accessibility is available, then it would be plausible to alter the surface to a compressed (perhaps) brick coloured gravel. This would need to be durable. Using blue metal or bitumen type paving for the area would not be suitable.</i></li> <li>• <i>It will make the area hotter with all concrete as per the proposed plan, I know this from experience in Mildura There still needs to be unique gravel setting in part or half of the Port Area</i></li> <li>• <i>It detracts from the nature of the port</i></li> <li>• <i>It is not in character with the current heritage rustic feel of the port</i></li> <li>• <i>I think it loses its charm and feel and would end up just being another road.</i></li> </ul> |
| <b>Question 2 - Are you in favour of the increased seating and the type of seating proposed?</b>   |   |
| <b>Yes</b>   | <b>No</b>   |
| <ul style="list-style-type: none"> <li>• <i>I would love extra seating especially with back support but I am concerned about the harsh lines of concrete and will it work in this area.</i></li> <li>• <i>I'm in favour of more seating but would prefer to see something like local timber or redgum used.</i></li> <li>• <i>Gardens will never go astray. Passing through Swan Hill and some other cities and small towns the beautifully designed gardens immediately capture our attention. ( The Port area is a start but there is a need for beautiful gardens around the e.g Railway Station and Loco Shed) Extra seating is an important inclusion to the concept particularly as it is and will be even more an aging population moving around our city and country. I do have some concern about concrete seating given the era represented. Red gum seating with and without backing is great. Concrete is durable although I wonder if it could be so made to look more authentic and less severe! Concrete very cold in winter.</i></li> <li>• <i>Great idea</i></li> <li>• <i>Very nice</i></li> </ul> | <ul style="list-style-type: none"> <li>• <i>It is not in character</i></li> <li>• <i>It is an historic precinct so an effort should be made to keep the traditional street furniture typical of the period</i></li> </ul>   |



| <b>Question 3 - Are you in favour of the introduction of garden beds and tree plantings?</b>   |  |
|--|--|
| <b>Yes</b>   | <b>No</b>  |
| <ul style="list-style-type: none"> <li>• <i>Great to have more green spaces but once again concerned with use of concrete in this area.</i></li> <li>• <i>As mentioned earlier, gardens can only be an asset, but must be maintained. Consideration needs to be given to which plants will survive our changing climate and water needs. I presume research into suitable tree and garden planting options has been done. (Gardening Australia Magazines and Melbourne Botanic Gardens Native area are good resources too). The <i>Corymbia Maculata</i> (Spotted Gum) as mentioned in the plan attracts honey eaters which is good but also fruit bats - could this be a problem? Many native trees become scraggy and drop branches. I expect this has also been checked. Deciduous species for Autumn Colour would be lovely.</i></li> <li>• <i>However I'm hoping you don't remove the existing established trees and replace with smaller trees as this defeats the purpose and shade immediately</i></li> <li>• <i>Great idea</i></li> <li>• <i>But where they are complementary to this historic nature of the port it history of the river that you trying to demonstrate so planting should be representative those landscaping of the time.</i></li> <li>• <i>PROVIDED THE TREES ARE NOT DECIDUOUS</i></li> <li>• <i>Native trees as found along the rivers edge NOT ANY NON NATIVE TREES</i></li> </ul> | <ul style="list-style-type: none"> <li>• <i>You could remove the screens along the fence on the popup park area the proposed paving does not seem to be as wheelchair friendly as the gravel which is smooth.</i></li> </ul> |
| <b>Question 4 - Are you in favour of the Murray River feature inlay?</b>   |  |
| <b>Yes</b>   | <b>No</b>  |
| <ul style="list-style-type: none"> <li>• <i>As there was no other spot for it... if you want to build use of the area I suggest having a looking at what Tocumwal and other river towns have done and look at the construction of a water play park in the port area: probably in the vicinity of the new cafe.</i></li> <li>• <i>Great idea and would definitely use this feature during summer but I have concerns about the water usage overall but particularly during water / drought conditions.</i></li> <li>• <i>There would probably need to be a discreet explanation of what the feature represents. The misting sprinklers could look and be effective.( Have seen this in some areas around Australia and looks inviting)</i></li> <li>• <i>As long as people can still get through this area without getting the most on them as I personally</i></li> </ul>   | <ul style="list-style-type: none"> <li>• <i>Misting sprinklers YES, but river feature maybe costly</i></li> <li>• <i>ARE WE DREAMING WHEN THE FARMERS HAVEN'T GOT WATER</i></li> </ul>                                       |

|   |  |
|---|--|
| <p><i>wouldn't like to have wet feet and I believe it will make the area humid with mist and concrete at ground level.</i></p> <ul style="list-style-type: none"> <li>• <i>but not in the way shown it would be better in the entrance of the discovery centre</i></li> <li>• <i>possibly in the entrance of the discovery centre.</i></li> </ul> |  |
|---|--|

**Question 5** - The Concept Plan proposes Aboriginal stories and/or history of the Murray River trade inlay into the pavement and/or seating across the precinct.  
 Are you in favour of this idea?

| Yes  | No |
|--|----|
| <ul style="list-style-type: none"> <li>• <i>Perhaps the names of Riverboats &amp; or their captains could be inlayed as well. Or even the names of local Stations or land runs that used the Port, Wharf &amp; Rail.</i></li> <li>• <i>Indigenous stories and Murray River Trade are part of our history and should not be ignored. Inclined to look for more if some on seating rather than one spot only.</i></li> <li>• <i>But there should be a mixture of Aboriginal and local settlement stories as Echuca has developed and grown</i></li> <li>• <i>It is important to tell the story of the culture</i></li> <li>• <i>Relative to the period only</i></li> <li>• <i>I don't think having pavement to replace gravel a good option, current road is what helps generates the atmosphere of the area.</i></li> <li>• <i>History is good</i></li> </ul> |    |

**Question 6** - Are you concerned that the overall the concept design is moving away from the heritage of Echuca and the 1800s feel and that the design does not reflect the uniqueness of Echuca and its heritage?

| Yes   | No |
|---|----|
| <ul style="list-style-type: none"> <li>• <i>I love the ideas presented but I have some concerns with some things such as the use of concrete and the sharp modern lines this represents. Council need to be mindful this is a heritage area and you require businesses in the area to comply with heritage look &amp; feel &amp; council should also follow the same requirements. Council need to keep in mind that tourists come to the area to experience the history of how things were in the past.</i></li> <li>• <i>I grew up as child living in the top floor of the bridge hotel as my father worked for Evans Sawmills &amp; they owned the Bridge Hotel. It was rented out as accommodation and I remember the view from the upstairs windows and it looks nothing like it did in the 1970's. I later worked at The old Carriage House (now gone) &amp; on The Pride of The Murray. I understand change is vital but don't lose sight of the vision. It's The Port of Echuca. That's what should be represented. It</i></li> </ul> |    |

|   |  |
|---|--|
| <p><i>was never an entertainment venue but a working hub of the town.</i></p> <ul style="list-style-type: none"> <li>• <i>It has been sad to see the demise of some of the original Port buildings and the Discovery Centre façade does not seem to fit the era. Oscar W while it may not have been around in the 1800's was certainly a popular asset and never looked out of place. The Wisteria and wood turners also if still in use would help to maintain the heritage look and feel as would informed volunteer 1800's personnel moving around the precinct. Revitalisation of buildings and heritage activities would help to maintain the 1800's feel. The Alison Barge area (although minor) is an attractive addition as it enables visitors to glimpse the river and boats free of cost and view the history of barge itself. Kangaroo Paw is native to south-west West Australia but not out of place and suits the garden. Therefore provided the existing heritage aspects of Echuca's uniqueness is preserved and what has been lost renewed, additions suggested can exist alongside the original. Any commercialisation of the area needs to be discreet.</i></li> <li>• <i>My concerns include if the horse and carriage rides are removed and the building fronts change in time the whole uniqueness of the Port Area will be lost and look like any other modern town in our concrete world.</i></li> <li>• <i>That is what the attraction is keep it simple as soon as change it you have destroyed its original nature.</i></li> <li>• <i>There also needs to be historical references to why Echuca is so vibrant.</i></li> <li>• <i>Our heritage and the history of how Echuca came to be is part of the charm and what brings tourist to our town. We can improve how we display this history but not move away from it all together.</i></li> <li>• <i>Yes very much so.</i></li> <li>• <i>Yes it has destroyed the heritage / tourist area of the town we don't want a federation square feel to this part of town.</i></li> <li>• <i>It's getting modern and lacks the old style that it had 20 years ago. Lack of interaction with old style history.</i></li> </ul> |  |
|---|--|

The results show strong support for additional seating, the introduction of shade through planting of trees, changing of the road surface from gravel to paving and incorporating Aboriginal stories and/or history of the Murray River trade inlay into the pavement and/or seating across the precinct. Whilst individually there is strong support for these elements the survey did indicate a high degree of concern that the overall the concept design moves away from the heritage of Echuca and the 1800s feel and that it does not reflect the uniqueness of Echuca and its heritage.

A review of the comments to question 6 assist in providing greater context to the result. A number of the comments raise that it is important that any changes made be sympathetic to the historic context of the precinct. Particularly with respect to the use of materials like concrete and limiting sharp lines. The comments strongly reference concern that the precinct needs to continue to reflect Echuca and not have a modern feel "Federation Square".

Reflecting these concerns, the draft Concept Plan has been updated to more strongly reference the need for palette of materials to be of natural earthy tones and textures that are reflective of the construction materials of Echuca. More detail in relation to changes to the draft Concept Plan are outlined in the consultation section below.

A written submission (email) was received from Murray River Paddle Steamers, Managing Director - Rohan Burgess (on 13 December 2019).

In summary the submission:

- opposed the paving of the street as is not in keeping with the era and the intention of the Precinct and the style of dirt streets from the late 1860's.
- did not believe that anyone wanted a *'mall' style design or feel, and the proposal of a central grass mound is an astonishingly out of place idea.*
- Noted the seating design suggestions *are also in no way in keeping with the era...*
- Noted *the overall concept has no relationship to the Port of Echuca.*

The submission also raised concern in relation to the communication and opportunity for community engagement in the draft Concept Plan.

The concerns expressed in the submission are generally consistent with the issues that the focus group survey sought to better understand. As noted above in the outcomes of the survey there is strong support for changes but that particularly if the palette of materials is of natural earthy tones and textures that are reflective of the construction materials of Echuca.

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## 8. Issues and Risk Management

### **Issues:**

#### **Issue 1: Funding lag between concept, detailed design and construction**

Whilst funding has been allocated to support the development of the concept designs, funding for detailed design and detailed costings would need to be considered in future budgets. Time lag between the development of the concept design, detailed design and eventually construction may lead to changes in community views about the proposed design.

#### **Issue 2: Increased ongoing maintenance costs**

The draft Concept Plan incorporates additional green and garden bed areas compared to the existing space. These areas will require maintenance and consequently the cost of maintaining the precinct will increase.

#### **Issue 3: Change to the existing environment**

The draft Concept Plan whilst responding to longstanding issues and concerns propose a changes that may create concern in the community at time of construction. These concerns are most likely to be expressed by those that were not or did not engage in the development of the draft Concept Plan. Whilst the draft Concept Plan seeks to reflect the unique heritage of Echuca and retain the original feel it does proposed change. Change and something new taken time for many to adjust too.

### **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.

Whilst no high or extreme risks have been identified with the development of these Plans. It was noted that should Council progress to the development of a detailed design based on the draft Concept Plan and eventually site works. It is considered "almost certain" that community concerns will be raised about proposed

changes to the precinct, but the consequence of these concerns would be “minor” resulting in a “moderate” risk.

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## 9. Options

Option 1: Endorse the draft Murray Esplanade Concept Plan, draft Social Seating Plan and draft Port Precinct branding scope as supporting implementation of the Port Precinct Plan Vision

This option is recommended by officers.

The draft Murray Esplanade Concept Plan and draft Social Seating Plan support implementation of the Port Precinct Plan Vision. The draft Plans seek to respond to both long standing concerns and issues raised through consultation. Endorsement will also provide direction and support progression towards the development of a detailed design and costing for the proposed works.

Option 2: Amend the draft Murray Esplanade Concept Plan, draft Social Seating Plan and draft Port Precinct branding scope from that presented

This option is not recommended by officers.

Amending the draft Murray Esplanade Concept Plan, draft Social Seating Plan and draft Port Precinct branding scope has the potential to result in changes which are inconsistent with the desires of the community and the outcomes of consultation.

Option 3: Not endorse the draft Murray Esplanade Concept Plan, draft Social Seating Plan and draft Port Precinct branding scope as presented

This option is not recommended by officers.

Not endorsing the draft Plans provides no indication of Council’s commitment to making improvements within the precinct addressing long standing issues.

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## 10. Strategic Planning Environments

|                                      |  |
|--------------------------------------|--|
| Strong and Engaged Communities       | The draft Plans supports implementation of strategy 3 by identifying improvements to the public environment which will promote opportunities for community to be active and engaged in the precinct. |
| Resilient Economy                    | The draft Plans supports implementation of strategy 3 by creating a stronger brand and improving infrastructure within the precinct.   |
| Healthy Environment                  | Nil  |
| Balanced Services and Infrastructure | The draft Plan support implementation of strategy 2 by developing a concept plan and a branding scope to improve infrastructure.   |
| Responsible Management               | Nil  |

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## 11. Consultation

Internal consultation:

- A workshop was held with representatives from Economic Development, Planning, Property, Public Environments, Recreation, River Services, Road Services and Tourism to identify issues and support the development of an initial concept design.
- Draft Concept Plan was circulated to all department managers the following comments and issues were raised:

- Planning Department

A planning will likely be required should the concept design move the construction at a latter point. The heritage overlay for this area does not make mention of the street or require any particular design guidelines, recognising the street has been altered. The main importance in this area are the buildings, which are not altered or affected as part of the concept design.

Noted.

- Investment Attraction/Tourism

Consideration should be given to how any changes may impact the setup and delivery of materials for events on the wharf including the delivery and set up of marquees which require trucks and a forklift. Events such as the twilight markets would benefit from improved lighting and access to power. We need to consider the positioning of the garden beds and permanent seating in relation to businesses to ensure we are not impeding access.

The concept design provides for vehicles access with a noted 5 metre clearway. Access to the wharf including areas currently used for the setting up of events are not altered as part of the concept design. A lighting plan has previously been prepared by the River Services Manager for this and the surrounding precinct. The lighting plan could be applied to the draft concept plan within no significant changes. The integration of the lighting plan, power and positioning of the garden beds and permanent seating would need to be catered for as part of the detailed design.

- Assets

Vandalism of the permanent garden bed seating is likely to be an issue. Seating with back rests would be best from a practical and maintenance prospective. Also anchoring the seating correctly at time of construction will assist in minimising vandalism.

Noted.

- Community Care

A good variety of seating options have been proposed. Seating with a back and arm rest is desired for older persons to assist with raising from a seated position. A mix of seating options across the precinct is important. Space looks child friendly. DDA needs to be considered.

Noted. All existing seating within the broader precinct is DDA compliant. Acknowledging this draft Concept Plan be updated to incorporate a notation that a mixture of seating with a minimum of 50% DDA compliant seating is to be provided distributed amongst seating clusters.

- Public Environments

Supportive of the draft Concept Plan.

Noted.

- Property

Supportive of the proposed alterations in particular notations regarding the need to rectify the area outside of the Old Bridge Hotel providing improved pedestrian access as well as ensuring connection to River Boat Dock and Allison Barge Walk.

Noted

- Road Services

Recommended the following alterations to the draft Concept Plan.

Pedestrian desire lines – alteration of the draft Concept Plan to provide a principal pedestrian thoroughway that is well defined visually and tactually. The desire line is to ensure that pedestrians

are able to move through the space quickly and easily or how to “turn off” and engage with the features in the space.

Noted. The draft Concept Plan be updated to provide for a clearly defined pedestrian pathway, including the realignment of words within the pavement to flow with the movement of pedestrians not across.

Public lighting - There needs to be consideration of lighting type, location and function and the relationship to the large trees proposed.

Noted. The draft Concept Plan be updated to incorporate a notation that the detailed design must consider the Concept Lighting Plan developed for the broader precinct.

Drainage design and finished surface levels - Detailed design plans need to ensure finished surface levels match the doorways of existing premises and attraction entries, grade and drain appropriately, and do not introduce trips or steps into the streetscape.

Drainage works will need to:

- accommodate the house drains of the buildings within the area
- collect, transport and disperse all of the run-off from the hard-stand paving introduced, which is extensive
- accommodate run-off from the irrigation systems installed to service the trees, garden beds and grassed areas
- connect to the existing drainage network, which may need upsizing or incorporation of treatment of water before it enters Murray River.
- Noted. The draft Concept Plan be updated to incorporate a notation that drainage design and finished surface levels and treatments are to be determined as part of the detailed design.

DDA compliance - All features, seating, and pathways need to be designed with an understanding of Universal Access principals.

- Noted. The draft Concept Plan be updated to incorporate a notation that detailed design of all features including seating and pathways need to be designed with an understanding of universal access principles and the DDA compliance is achieved.
- All existing seating within the broader precinct is DDA compliant. Acknowledging this the draft Concept Plan be updated to incorporate a notation that a mixture of seating with a minimum of 50% DDA compliant seating is to be provided distributed amongst seating clusters.
- The draft Concept Plan be updated to incorporate a notation that detailed design incorporate locations of public waste bins.

Static displays – Identification of locations for the existing static displays (wooden log cart, wool cart, buggy, wine barrels, etc.).

- Noted. The draft Concept Plan be updated by the identification of potential locations of the existing static displays.

#### ▪ Recreation

Supportive of a variety of seating options including seating with back rests and arms. Supportive of the water spray misters but consideration would need to be given to the maintenance requirements.

Noted. The detail of the spray misters would need to be investigated as part of the development of the detailed design.

External consultation:

- An invitation letter was dropped to Murray Esplanade traders fronting the gravel section of Murray Esplanade providing them with the preliminary copy of the draft Concept Plan and inviting them to attend the community listening post or provide feedback on the draft Concept Plan.
- A community listening post was held on the 7 November from 3-6pm approximately 25-30 people attended and participated in the session.
- A short survey was sent to a focus group of Echuca residents seeking their views on key matters in the draft Concept Plan.
- A media release, Facebook post (2,127 reach, 27 likes, 1 dislike and 17 comments) and WIN News report calling on the community to view the draft Concept Plan and input to the final design.
- Murray Regional Tourism Board CEO – Discussion regarding the draft Concept and Social Seating Plans, recognising the opportunities that could arise from a revitalisation of the infrastructure.
- Echuca Moama Tourism Board CEO – Discussion regarding the draft Concept and Social Seating Plans, suggested more innovation in the design was needed, no specific detail on recommended changes providing innovation were provided.

Councillors:

- Draft Concept Plan, Social Seating Plan and Signage scope were presented to Councillors at a briefing on 1 October 2019.
- On 27 November a discussion with Councillor Neele in relation to the draft Concept Plan because she had missed the previous Councillor briefing.
- Councillor Briefing Session 11 February 2020.



## **9.8. Murray Regional Tourism Board (MRTB) – One Year Extension of Memorandum of Understanding**

### **Author:**

Jemima Lewis, Tourism Support Officer

### **Responsible Manager:**

Investment Attraction Manager

### **Attachments:**

9.8.1. MRTB's Final 2017-2020 LGA MOU

9.8.2. MRTB Victorian Regional Tourism Review 2019 submission

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### **1. Purpose**

To seek Council's approval to enter into a one year extension of the existing Memorandum of Understanding (MOU) with Murray Regional Tourism Board (MRTB).

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### **2. COUNCILLORS NEELE / PENTREATH**

**That Council approve a one year extension (1 July 2020 to 30 June 2021) of the funding agreement with Murray Regional Tourism Board.**

**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 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**

Murray Regional Tourism Board (MRTB) was formed in 2010 to establish an overarching organisation to contribute to the development and growth of tourism in the Murray region.

MRTB is a cross- border organisation and is made up of the following partner Councils:

| NSW Local Government Partners | Victorian Local Government Partners |
|-------------------------------|-------------------------------------|
| Albury                        | Wodonga                             |
| Greater Hume                  | Moira                               |
| Federation                    | Campaspe                            |
| Berrigan                      | Gannawarra                          |
| Edward River                  | Swan Hill                           |
| Murray River                  | Mildura                             |
| Wentworth                     |                                     |

Since 2010 the MRTB model has proved highly effective for improving tourism visitation within the Murray region through collaborative marketing campaigns and projects, improved advocacy and access to funding opportunities. Supported by investments from NSW and Victorian State governments, local government, and industry, the MRTB cross-border model has delivered:

- Increased total visitation by 42 per cent since inception, from 4.5 million visitors to 6.4 million visitors
- Increased total nights by 31.5 per cent since inception, from 7.6 million to 9.6 million
- Increased total direct expenditure by 86 per cent, from \$1 billion to \$1.9 billion
- Increased direct and indirect expenditure by 26 per cent from \$2.43 billion to \$3 billion
- Generated an additional \$372 million in expenditure on tourism-related projects between 2012-2017, which enhance visitor experience and appeal
- Added an additional 4,569 tourism related jobs (direct and indirect) across the region
- Record visitation to the Murray region across all measures, Domestic Overnight, Domestic Day Visitors and International as evident from Tourism Research Australia NVS/IVS reports 2019

The collaborative cross-border approach to tourism in the Murray region has been highly effective. Entering into a one-year agreement with MRT allows this good work to continue whilst also protecting Council's interests. This extension provides Council with flexibility to review and understand the outcomes from work currently being undertaken by the State Governments in both Victoria and NSW.

## 7. Content

All existing municipal partners have three-year funding agreements with MRTB. These agreements run from 1 July 2017 to 30 June 2020.

At MRTB's August Board meeting, the Board resolved to approach all member Councils and seek a one-year extension to the current funding agreement. This decision and request was made on the basis of the following:

- In Victoria, a Regional Tourism Review is underway. Outcomes from this review are not expected to be known until mid-2020 and the outcomes from this review may alter the approach to regional tourism in Victoria and as a result may impact MRTB.
- In NSW, MRTB are currently renegotiating a three to four year funding agreement with the State Government. Outcomes from this negotiation may also impact on the operations of MRT.

As a result, MRTB has resolved to seek the support of each partner Council to extend the current funding agreement by one year. It is expected that this extension will allow the work being undertaken in Victoria and NSW to be completed and for MRTB and all stakeholder Councils to have a clear picture of the regional tourism environment going forwards.

A one year extension would result in a roll-over of the current funding agreement until 30 June 2021 and require MRTB to complete negotiations with all member Councils on a longer term funding agreement by 31 December 2020.

It is proposed that the funding agreement document would remain the same with all clauses and conditions still applicable. Each Council's financial contribution would be calculated as per the current agreement and there would be a 2% CPI increase on the 2019/20 figure.

In this one year agreement, Campaspe Shire Council would agree to pay \$44,957 (ex GST) for 2020/21 for a one-year extension to the existing MOU.

## 8. Issues and Risk Management

### Issues:

Nil

### Risk Management:

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

## 9. Options

### Option 1: Council agrees to enter into the MOU one year extension with MRTB

This option is recommended by officers.

### Option 2: Council does not agree to enter into the MOU one year extension with MRTB.

This option is not recommended by officers.

### Option 3: Council wish to renegotiate the MOU one year extension with MRTB

This option is not recommended by officers

## 10. Strategic Planning Environments

Strong and Engaged Communities: No impact

Resilient Economy: Tourism is an important enabler of our local and regional economy and a major employment driver. MRTB is an important funding advocate for our region and provides opportunities for local businesses to participate in collaborate marketing opportunities and upskilling programs.

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: No impact

## **11. Consultation**

### Internal Consultation:

- General Manager Economic and Community Development

### External Consultation:

- Mildura Rural City Council – General Manager Corporate

## **9.9. Disused Rail Reserve Access**

### **Author:**

Andrew Cowin, Corporate Strategy Manager

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### **1. Purpose**

To inform Council of an issue impacting rural and regional communities and Councils and to affirm an advocacy position.

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### **2. COUNCILLORS PANKHURST / PENTREATH**

#### **That Council:**

- 1. Authorise the Mayor to write to the Minister for Transport Infrastructure, The Hon. Jacinta Allan and Mr Campbell Rose, Chief Executive of VicTrack raising concern at the inequity of VicTrack's land disposal process for rural and regional communities and to seek the transfer of land surplus to VicTracks future rail needs to the Department of Environment, Land Water and Planning for potential community management. Noting that State Government financial support may be required to help achieve this objective.**
- 2. Submit a motion of advocacy for the next MAV State Council meeting:**  
  
**Advocate to the State Government for the transfer of VicTrack managed land identified as being surplus to rail needs located in rural and regional Victoria, to the Crown (Department of Environment, Land, Water and Planning).**
- 3. Seek support from Rural Council's Victoria on this issue and a MAV State motion.**

#### **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**

Campaspe Shire Council and our community have been disappointed with the inconsistent land management practices of VicTrack. Disused and redundant rail reserves are seen as having significant, environmental, economic and social opportunities given their location within and connecting communities. With significant areas of land remaining unmaintained and underutilised across the state.

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A prime example where the local community has realised the benefits of a disused rail reserve is in Girgarre where VicTrack transitioned management of the disused rail reserve to the Crown (DELWP), which then established a local community committee of management. While this has been a great outcome for the community and Council the remainder of the disused reserve (outside of the Girgarre township) remains in VicTrack management. As a consequence, negatively impacting the ability for the establishment of a rail trail by the local community from Girgarre to Stanhope and Rushworth.

Further to this, in early 2017 Council in partnership with RDV, Transport for Victoria, VicTrack and V/Line developed a master plan for the Echuca Station Precinct. The master plan identified the potential development opportunity for the vacant rail land adjoining the Echuca CBD.

Officers have been working with RDV, Transport for Victoria and VicTrack on the implementation of the master plan since early 2018 with little tangible progress.

While VicTrack and V/Line have undertaken an assessment of the precinct and identified a number of lots surplus to future rail needs which could be made available for either sale or lease, VicTrack has outlined that the process to make these lots available is lengthy and costly for them (in excess of \$100k depending upon the degree of remediation required).

Consequently, VicTrack articulated a lack of funding to undertake this work as well as the economic viability of any potential sale should the works be completed. Positive community outcomes recognising the social and economic benefits of disused reserves remain uncommon.

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## 7. Content

VicTrack own or manage on behalf of the Crown a significant number of parcels of land across the State, some of which, like in Echuca, has been identified as being surplus to future rail needs. However the release of these parcels for either sale (for commercial purposes) or lease (for either commercial or community use) remains at the discretion of VicTrack and can be both difficult and costly particularly for community groups to access.

As a result in many towns across the state VicTrack land has been developed and is maintained as public parks, spaces or environmental revegetation areas by community members with limited or no approvals. Without the actions of community these sites would remain unmaintained and consequently increasing fire risk and impacting the aesthetics of the environment.

There are two primary issues of concern:

1. Lack of opportunity for community use of undeveloped and redundant rail land; and
2. Need by VicTrack for commercial return on the sale of undeveloped and redundant rail land where commercial opportunity may exist.

In considering these issues reference is made to the Department of Treasury and Finance policy *Victorian Government Landholding Policy and Guidelines*.

The purpose of the policy is to:

- a) ensure that land is only purchased or retained by Victorian Government agencies where State ownership of land:
  - i. contributes directly to current or future service delivery outcomes expected by Government;
  - ii. is central to the core business of agencies as explained in agency corporate plans;
  - iii. is financially beneficial to the State when compared to alternative investment of State funds; or
  - iv. in the case of Crown land, is appropriate on the basis that the protection of public land values make the land unsuitable for divestment;
- b) promote the highest and best use of land by providing the opportunity for the private and community sectors and other government agencies to further unlock the value inherent in the State's land estate; and

- c) *require active management of land portfolios across Victorian Government agencies which is essential to the good management of the State's balance sheet.*

The policy at Section 2 requires that:

- a) Victorian Government agencies must only hold land or an interest in land where State ownership of that land:
- i. contributes directly to current or future service delivery outcomes expected of agencies as explained in agency corporate plans and does this by the most cost effective means possible;

It goes on to note that:

- c) Upon declaring land surplus to agency requirements, Victorian Government agencies must:
- i. provide notice of 60 days of the agency's intention to dispose of land during which period other State, Commonwealth or local government agencies may express interest in acquiring the land;
  - ii. if another government agency expresses interest in acquiring the land, negotiate in good faith to attempt to agree on the terms of sale within 30 days after the close of the notice period; and
  - iii. if the terms of sale are agreed, transact the sale of the land at a price equal to the current market value of the land as determined by the Valuer-General Victoria.
- d) Victorian Government agencies must:
- i. at all times maintain an accurate dataset of all land that is controlled by the agency; and
  - ii. annually review agency landholdings to:
    - A. justify, with reference to paragraph 2(a) of this Policy, the basis upon which each parcel of land owned or otherwise controlled by the agency is held; and
    - B. identify land that is fully utilised, partly utilised, underutilised or surplus to agency requirements,and submit a report on that review to the Department of Treasury and Finance to inform Budget planning and forward estimates.

As part of the discussions with VicTrack on the Echuca Station Precinct Master Plan, VicTrack has indicated that where land is to be sold 50% of any sales must be transferred to the Victorian State Government Treasury. This requirement is not specified within the policy or guidelines and officers have been unable to confirm this requirement.

VicTrack has however indicated that as a consequence there is little desire to progress land clearances in rural and regional areas where values are significantly lower than in metropolitan Melbourne.

VicTrack's current process to only progress sales of surplus and disused land which result in full cost recovery is inconsistent with the purpose of DTF Policy to *promote the highest and best use of land*.

The commercial nature in which VicTrack operates is significantly impacting opportunities in rural and regional communities. Consequently there is a need for change in the way in which VicTrack consider the sale of surplus land particularly that with limited commercial value.

Department of Environment, Land, Water & Planning (DELWP) manage crown land leases, licences and Committees of Management (CoM) in Victoria. DELWP understand the value and contribution that community make to improving and maintaining public spaces within and surrounding their towns. Reflecting the role of the CoMs under the *Crown Land Reserves Act (1978)* is to "*manage, improve, maintain and control*" Crown land reserves that have been set aside for the benefit of the people of Victoria. In some instances, this includes land which was previously rail reserve (e.g. Girgarre to Stanhope) where DELWP have appointed a community committee of management.

DELWP reserves can support a broad range of amenities and uses such as public halls, showgrounds, gardens, bushland, caravan parks, foreshores, sporting facilities, playgrounds, swimming pools, walking tracks and rail trails.

Transferring of surplus rail land within rural and regional areas from VicTrack back to the Crown (DELWP) would improve access and management arrangements for land and communities. Noting the operational model of VicTrack (i.e. cost recovery), it is also recognised the State Government may need to financially assist the organisation to support the transfer of surplus land.

Advocacy is a key role of local government, it is about stepping up to speak out on important issues on behalf of residents, ratepayers and businesses. To seek positive outcomes on important issues, that will benefit our community. This is one of those time where local government may wish to collectively lead for change for the benefit of its community.

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

### **Issues:**

#### Issue 1: Department of Environment, Land, Water & Planning not accepting the transfer of land

While policy currently provides for the transfer of the land to DELWP it may have insufficient resources to be able to manage the transition of this land to community committees of management as well as the transfer process. Consequently, without additional resourcing it may not support this call.

#### Issue 2: VicTrack not open to a change in process

The change in process may result in VicTrack forgoing economic income in rural and regional areas from the leasing and sale of land identified as being surplus. Consequently, VicTrack may not be supportive of the change in process.

#### Issue 3: VicTrack not identifying land surplus to rail needs

VicTrack may suffer economic loss from the undertaking of land clearances which don't result in a land sale. Consequently, no longer progress land clearances in rural and regional areas where land values are low.

### **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. Options**

#### Option 1: Endorse the position and advocate on behalf of the community

Advocacy is about stepping up and speaking out on important issues on behalf of Campaspe residents, ratepayers and businesses. We do this to seek positive outcomes from decision makers on important issues. VicTrack hold significant areas of land across rural and regional Victoria which have significant community benefit and it is critical that Council speak up in the interests of our community.

This option is recommended by officers.

#### Option 2: Maintain status quo

That Council not advocate on behalf of the community for an improved and more transparent process for the management of land.

Not advocating and remaining silent fails to demonstrate leadership on this important issue.

This option is not recommended by officers.

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## 10. Strategic Planning Environments

|                                      |   |
|--------------------------------------|---|
| Strong and Engaged Communities       | Advocacy is a key role of local government and supports the development of strong and engaged communities, improved health, wellbeing and safety.                                 |
| Resilient Economy                    | No impact.  |
| Healthy Environment                  | No impact.  |
| Balanced Services and Infrastructure | No impact.  |
| Responsible Management               | Advocating for changes to the VicTrack land clearance process for the betterment of the community is providing strong leadership and seeking improved outcomes for our community. |

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## 11. Consultation

### Internal consultation:

- Economic and Community Development General Manager concerning the advocacy action required
- Property Project officer in relation DELWP's current policies and process for the sale and transfer of land.

## **9.10 Echuca Moama Torrumbarry Flood Study Progress Report**

### **Author:**

John McCartney, Project Manager

### **Responsible Manager:**

Assets Manager

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### **1. Purpose**

To note progress with the Echuca Moama Torrumbarry Flood Study and the allocation of additional grant funding by the Department of Environment Land Water and Planning (DELWP).

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### **2. COUNCILLORS PANKHURST / VICKERS**

#### **That Council note:**

- 1. Progress and the scheduled supply of the Draft Flood Study in July 2020 for Campaspe Shire and Murray River Councils to consider for formal exhibition and ultimately adoption to complete Stage one of the Echuca, Moama, Torrumbarry Flood Study and Risk Management Plan.**
- 2. Convey its appreciation to the Department of Environment, Land, Water and Planning for the additional \$200,000 funds to assist in dealing with the hydrology and hydraulic modelling complexities and additional community engagement.**

### **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**

DELWP allocated \$200,000 to Council in 2017 to conduct a \$300,000 flood study to update flood information for Echuca using the latest available information and technology. As flooding along the Murray River does not respect State boundaries and modelling requires terrain on both sides of the river to be included, officers approached Murray River Council seeking to expand the study into a joint study covering Echuca and Moama. Subsequently, officers became aware of additional proposed studies covering the Torrumbarry and further downstream areas toward Swan Hill.

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Following a joint meeting with officers of DELWP, the North Central Catchment Management Authority (NCCMA) and affected municipalities in NSW and Victoria, it was agreed that Campaspe Shire Council manage a combined study covering the Echuca, Moama and Torrumbarry section of the Murray River involving Murray River and Campaspe Shire Councils and North Central Catchment Management Authority with funding sourced from both state governments and the Councils. Initial funding did not include that earmarked for the Torrumbarry component of the study as it was initially considered economies gained by combining the Echuca and Moama studies would provide for the Torrumbarry section.

A Project Control Group established in November 2017 comprising officers from Murray River and Campaspe Shire Councils, the NCCMA and the NSW State Office of Environment & Heritage is overseeing the project which commenced when specialist consultants Water Technology were appointed in March 2018.

A Community Reference Committee with representatives of the various sub-communities in the study area, and relevant statutory authorities was also established to provide local input and guidance. It has reasonably regularly provided advice on key aspects of the study as it has progressed; particularly in supplying historical flooding information and providing advice on the accuracy of the hydraulic model as it is calibrated to replicate the 1993, 2011 and 2016 events. Input from it and the community and several stakeholder groups has been invaluable in this process.

The project comprises two components:

- Flood Study to develop the hydrology, hydraulic model, flood mapping (i.e. extents of 1% Annual Exceedance Probability (AEP) and other standard events) and flood response plans; and
- Following the above, a Risk Management Plan which will include investigation of mitigation options and flood warning systems.

---

## 7. Content

The study is currently confined to the Flood Study component. Following extensive searching of flooding records and initial consultation, the hydrology report was completed, and peer reviewed in March 2019. Community comment was sought on initial hydraulic modelling of the 1993, 2011 and 2016 floods (calibration events) between Barmah, McCoy's Bridge (Goulburn River) Campbell Rd (Campaspe River) and Murrabit.

This identified several areas requiring improvement including addition of a longer period of flow input for the Murray to capture two peaks which resulted in excessive model run times. i.e. 5-7 days for one modelling run. The hydraulic model was subsequently divided into two models (upstream section down to Deep Creek Marina and downstream section to Murrabit).

Following a period of further iterations and consultation, the upstream model was extended upstream to Shepparton and to Rochester where more reliable streamflow and river gauging records are available. The hydraulic model is now producing what the consultants, expert advisors, community representatives and stakeholder groups consider to be quite accurate and reliable modelling of the calibration events. Additional information of the previous Shepparton and Rochester flood studies that are now linked to this study will be invaluable when investigating the flood warning system later in this study.

Regrettably development of the hydraulic model to this stage has taken almost 12 months longer than planned; this being a reflection of the complexities of the catchments and behaviour of these three major river systems. Accuracy of this model is extremely important in both technical terms and in managing community perceptions as it will underpin the whole of the flood study and the community's confidence in the final recommendations. Close consultation is being maintained with the Victorian and NSW funding bodies from which extensions of time have been granted in view of the complexities of this project. It is noteworthy that many flood studies encounter similar difficulties and delays of which these bodies are quite familiar and understanding.

Modelling of the 'design' events (i.e. 1%, 2%, 5% AEP and maximum probable events) has commenced with the draft mapping scheduled to be made available for community comment in early March and the draft Flood Study Report in mid-June. The draft Flood Study Report will be presented to both Councils to consider before commencing formal exhibition to seek community comment and resubmission to both Councils to consider its adoption. The Council election 'caretaker period' will delay consideration of adoption until very late in 2020.

The second component of the study comprising the Risk Management Plan is expected to commence following the draft Flood Study Report in mid-June. It will also involve extensive community consultation as the consultants seek community views on and investigate various mitigation options and flood warning systems. It is scheduled for completion in July 2021.

Additional time and consultation to develop the hydraulic model to an appropriate level of accuracy including associated project management costs, all of which have resulted from complexities of the riverine environment being well beyond expectations, has largely consumed the expected savings from combining the three studies.

Consequently, DELWP has allocated the \$200,000 funding originally earmarked for the Torrumbarry component of the joint study to Council. This will ensure the study continues to be conducted to a high standard of accuracy and in close consultation with the community as is so essential to successful completion of these types of studies. It will also enable thorough investigation of the consequences of any mitigation options affecting the Echuca urban area (e.g. stormwater impounded by levees) and additional work on the Flood Emergency Management Plan and flood warning systems.

Current funding arrangements for the study including survey, data acquisition, specialist engineering consultants' fees and consultation costs for this four year study are:

|  |                  |
|--|------------------|
| DELWP – Echuca Study                               | \$200,000        |
| Campaspe Shire Council – Echuca Study              | \$100,000        |
| Murray River Council – Moama Study                 | \$168,700        |
| DELWP (Reallocated from NCCMA) – Torrumbarry Study | \$200,000        |
| <b>Total Allocated Funds</b>                       | <b>\$668,700</b> |

## 8. Risk Management

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

## 9. Strategic Planning Environments

|                                      |  |
|--------------------------------------|--|
| Strong and Engaged Communities       | The project management, governance and community engagement arrangements for conduct of this study will continue to foster the partnership between Campaspe Shire and Murray River Councils and their relationship with the Echuca, Moama and Torrumbarry communities and encourage the active involvement of community members. |
| Resilient Economy                    | Up to date flooding knowledge enables more appropriate planning and control of development and improved flood management thereby reducing the negative economic impacts of these events on the community and economy.  |
| Healthy Environment                  | The joint study is enabling more thorough and coordinated investigation of flooding issues thereby providing a sound basis on which to plan for urban growth and development so that the Echuca Moama and Torrumbarry district communities are less impacted by flooding in the future.  |
| Balanced Services and Infrastructure | Urban planning based on the results of these investigations will result in more reliable services, lower cost infrastructure and reduced flood damage by regulating development of inappropriate flood prone areas.  |

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|                        |  |
|------------------------|--|
| Responsible Management | This report and the study's project management and governance arrangements support open and clear communication and relationship and partnership development between the local municipal authorities, the State flood plain management agencies and members of the Echuca – Moama community. |
|------------------------|--|

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## 10. Consultation

### Internal consultation:

Internal consultation is undertaken via the Community Reference Committee which includes relevant staff members and Councillor representatives and through involving key staff in delivering the project.

### External consultation:

The Project Control Committee comprising representatives of the Victorian and New South Wales relevant State authorities and the two affected local municipalities overseeing the project provides the basis for consultation between these authorities. It meets regularly to oversee and direct the specialist engineers' work

The Community Reference Committee comprising representatives of all relevant state and federal agencies, local communities and local authorities including staff and Councillors from both municipalities provides for formalised consultation with these groups.

Additional consultation is conducted at key stages of the study with identified stakeholder groups from NSW and Victoria together with open community forums.

The most recent meetings of the Project Control Group, Community Reference Committee and stakeholder groups were conducted in mid-December 2019 (all groups) and 3 & 4 February 2020. Consultation included presentation of modelling / flood mapping results at these meetings and on both Council websites from where the community has provided considerable comment on mapping of the 1993, 2011 and 2016 events as it has been developed. Further consultation is scheduled for early March 2020.

### Councillors:

Councillors at the 4 February 2020 Council Briefing Session were briefed on the current status including preliminary flood mapping and schedule for completion of the remaining stages of this project.

## 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 January 2020.

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**2. COUNCILLORS MUNRO / ZOBEC**

**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 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 *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 January 2020:

| <b>Meeting Information</b>              |   |                      |
|---|---|----------------------|
| Meeting Name/Type                       | Campaspe Briefing Session   |                      |
| Meeting Date                            | 14 January 2020   |                      |
| Start time:                             | 10:32am   | Finish time: 12:55pm |
| Matters Discussed                       | <ol style="list-style-type: none"> <li>1. Welcome, present &amp; apologies</li> <li>2. Declaration of Interests</li> <li>3. Business Arising               <ol style="list-style-type: none"> <li>3.1. Greater Shepparton City Council (GSCC) Regional Land Use Strategy Resolution</li> <li>3.2. Emergency Management Assistance for Fires</li> <li>3.3. Kow Swamp</li> </ol> </li> <li>4. Planning Call In – PLN175/2019 Mockler Road Echuca</li> <li>5. Management of Council's Raw Water Assets</li> <li>6. Briefing Review</li> <li>7. CSV Update</li> <li>8. Meeting Close</li> </ol> |                      |
| <b>Attendees</b>                        |   |                      |
| Councillors                             | Cr Adrian Weston (Mayor), Cr Vicki Neele (Deputy Mayor) Cr Daniel Mackrell, Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr Leigh Wilson, Cr John Zobec  |                      |
| Staff                                   | Declan Moore, Fleur Cousins, Keith Oberin, Jason Deller, Paul McKenzie, Sharolyn Taylor   |                      |
| <b>Apologies</b>                        |   |                      |
| Councillors                             | Cr Kristen Munro  |                      |
| <b>Conflict of Interest disclosures</b> |   |                      |
| Matter No.                              | Councillor/officer making disclosure  | Left meeting: Yes/No |
| Nil                                     |   |                      |

| <b>Meeting Information</b>              |  |                      |
|---|--|----------------------|
| Meeting Name/Type                       | Campaspe Briefing Session  |                      |
| Meeting Date                            | 28 January 2020  |                      |
| Start time:                             | 12:33pm  | Finish time: 2:14pm  |
| Matters Discussed                       | <ol style="list-style-type: none"> <li>1. Welcome, present &amp; apologies</li> <li>2. Declaration of Interests</li> <li>3. Business Arising               <ol style="list-style-type: none"> <li>3.1. Tongala Australia Day Event</li> <li>3.2. Closure of Echuca Material Recovery Facility (MRF)</li> <li>3.3. Concert on Port of Echuca (PoE) Wharf 18 January</li> </ol> </li> <li>4. Council Meeting Agenda – Open Q &amp; A</li> <li>5. Council Meeting Agenda – Confidential Q &amp; A</li> <li>6. Monthly Performance Reporting – Operational Reports</li> <li>7. Monthly Performance Reporting – Financial Report</li> <li>8. Monthly Performance Reporting – Procurement Report</li> <li>9. Monthly Performance Reporting – Capital Works</li> <li>10. Monthly Performance Reporting – Council Resolutions for Action</li> <li>11. Briefing Minutes Review</li> <li>12. Meeting Schedule</li> <li>13. Communication Reports</li> <li>14. Councillor Portfolio and Committee Updates, Reports from Conferences and Training attended               <ol style="list-style-type: none"> <li>14.1 Emergency Management Site Tour</li> <li>14.2 EMT Board Meeting</li> </ol> </li> <li>15. General Discussion and Question Time               <ol style="list-style-type: none"> <li>15.1 Echuca Moama Bridge Project</li> <li>15.2 Aged Care</li> </ol> </li> <li>16. Briefing Review</li> <li>17. Meeting Close</li> </ol> |                      |
| <b>Attendees</b>                        |  |                      |
| Councillors                             | Adrian Weston (Mayor), Daniel Mackrell, Kristen Munro, Vicki Neele, Neil Pankhurst, Leanne Pentreath (12:33pm – 1:36pm), Annie Vickers, Leigh Wilson, John Zobec   |                      |
| Staff                                   | Declan Moore, Fleur Cousins, Jason Deller, Paul McKenzie, Sharolyn Taylor  |                      |
| <b>Apologies</b>                        |  |                      |
| Staff                                   | Keith Oberin   |                      |
| <b>Conflict of Interest disclosures</b> |  |                      |
| Matter No.                              | Councillor/officer making disclosure   | Left meeting: Yes/No |
| 3.4                                     | Cr Mackrell  | Yes                  |
| 8                                       | Cr Mackrell  | Yes                  |
| 13                                      | 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.

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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: No impact

---

**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.

### **COUNCILLORS MUNRO / WILSON**

**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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**1. Purpose**

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

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**2. COUNCILLORS NEELE / ZOBEC**

**That Council note the following grants have not been approved in accordance with the Responsive Grants Program guidelines and criteria and the applicants have been advised in writing:**

- **Inland Outrigger Canoe Club Inc - \$1,000 to assist with the travel expenses for five members to compete in the National Sprints Championships been held in Maroochydore, Queensland in February 2020.**
- **Loddon Murray Community Leadership Program Inc - \$1,000 to assist with costs associated with the three day LMCLP 2020 Opening Retreat to be held at Billabong Ranch and other locations within Echuca from 21 – 23 February 2020 which is outside the timeframes of the Community Grants Program.**

**CARRIED**

---

**3. Conflict of Interest**

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

---

**6. 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  | Amount Recommended | Purpose  | Comment  |
|--|---------|--------------------|--|--|
| Inland Outrigger Canoe Club Inc                | \$1,000 | \$0                | To assist with travel expenses for five members to compete in the National Sprints Championship to be held in Maroochydore, Queensland in February 2020  | Not approved by CEO – did not meet assessment criteria |
| Loddon Murray Community Leadership Program Inc | \$1,000 | \$0                | To assist with costs associated with the three day LMCLP 2020 Opening Retreat to be held at Billabong Ranch and other locations within Echuca from 21 – 23 February 2020 which is outside the timeframes of the Community Grants Program | Not approved by CEO – did not meet assessment criteria |

|  |             |
|--|-------------|
| <b>Fund Balance Prior to application approval:</b> | \$20,136.50 |
| <b>Funding approved:</b>                           | \$0         |
| <b>2019/2020 Fund Balance: (18 February 2020)</b>  | \$20,136.50 |

## 7. Issues and Risk Management

### Issues:

Nil

### Risk:

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

## 8. Strategic Planning Environments

|                                       |  |
|---------------------------------------|--|
| Strong and Engaged Communities:       | This funding source provides support to Responsive Grants Program requests for community initiatives.  |
| Resilient Economy:                    | No impact  |
| Healthy Environment:                  | No impact  |
| Balanced Services and Infrastructure: | No impact  |
| Responsible Management:               | This annual budget allocates funding for Responsive Grants Program requests for community initiatives. |

## 9. Consultation

Chief Executive Officer

## **10.4. Council Plan Initiatives Quarter 2 Update**

### **Author:**

Andrew Cowin, Corporate Strategy Manager

### **Attachments:**

10.4 Council Plan Initiatives Quarter 2 Update

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### **1. Purpose**

To provide Council with the second quarter update on the progress of implementation of the 2019/20 Council Plan Initiatives.

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### **2. COUNCILLORS PENTREATH / PANKHURST**

**That Council note the progress towards the 2019/20 Council Plan Initiatives supporting implementation of the Council Plan 2017/21.**

### **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**

The 2017-2021 Council Plan (Plan) is Council's key strategic document for the term of the Council, which reflects the outcomes of stakeholder and community engagement. The Plan describes Council's strategic objectives, strategies for achieving the objectives and how the outcomes will be measured. Supporting the delivery of the Council's vision is the Strategic Resource Plan which describes the financial and non-financial resources required to implement the Council Plan over the four year period.

The Plan incorporates the requirements of the *Public Health and Wellbeing Act* for Council to prepare a Municipal Public Health and Wellbeing Plan (MPHWP). Incorporation of the MPHWP within the Plan strengthens the integrated planning approach across all Council activities and allows Council to focus on health and wellbeing outcomes for the community and enables a more optimal use of resources.

This Plan sets a vision of 'We are strong, supportive, vibrant and sustainable' which aligns and furthers the vision of Campaspe Our Future.

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The Plans is supported by initiatives funded in the 2019/20 Program Budget. A list of progress on the implementation of these initiatives is reported to Council quarterly. This report is the second report of initiatives funded under the 2019/20 budget.

As part of the first report the following 4 initiatives were completed. As they were completed in Q1 they will not be displayed as part of the Q2 report.

#### Strong and Engaged Communities

- We will fund the construction of the Kyabram Breen Avenue walking track.

#### Responsible Management

- We will support the Victorian Electoral Commission in undertaking an electoral representation review and make a submission regarding the review findings.
- We will develop and commence implementation of a digitisation plan in line with Public Records Office Guidelines.
- We will implement stage two of Council's rebranding program focusing on shire entry and town entry signs.

---

## **7. Content**

Across the remaining 22 initiatives:

- 2 have not started,
- 1 needs attention,
- 19 are in progress,
- 0 are completed.

Progress in relation to the implementation of the initiatives are reported to Council and the community quarterly. This report is the second quarterly report of initiatives funded under the 2019/20 budget.

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

### Issues:

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

- High costs of inputs for industry (energy and water)
- Renewal of community facilities
- An ageing population
- Engagement of young people
- Substance abuse issues
- Family violence
- Availability of regional education and training
- Cross-border issues

Many of the initiatives seek to address these key challenges.

**Risk:**

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

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**9. Strategic Planning Environments**

|                                       |   |
|---------------------------------------|---|
| Strong and Engaged Communities:       | The action plan activities support the delivery of Strong and Engaged Communities             |
| Resilient Economy:                    | The action plan activities support the delivery of a Resilient Economy                        |
| Healthy Environment:                  | The action plan activities support the delivery of a Healthy Environment                      |
| Balanced Services and Infrastructure: | The action plan activities support the delivery of Balanced Services and Infrastructure       |
| Responsible Management:               | The action plan activities outline the organisations commitment to the Responsible Management |

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**10. Consultation**

General Managers and Department Managers from across the organisation have been consulted in relation to the progress of initiatives funded under the 2019/20 budget.

## **10.5. Statutory Requirements Update**

### **Author:**

Frank Crawley, Governance Manager

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### **1. Purpose**

To advise Councillors on the progress of meeting statutory obligations under the *Local Government Act 1989*.

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### **2. COUNCILLORS PENTREATH / NEELE**

**That Council note the second quarter Statutory Requirements update.**

### **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*.

---

### **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**

Councils are governed by the requirements of the Victorian Local Government Act 1989 (Act) and associated legislation. There is an expectation by other levels of government and the community in general that Councillors are making sufficient enquiries and scrutinising information so as to satisfy themselves that the Council is meeting its statutory obligations.

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### **7. Content**

The report advises of the obligations Council has met in the last quarter and what it needs to meet in the next quarter in regard to its Statutory Obligations.

For the period 1 October 2019 – 31 December 2019 the following has been achieved:

- Held a statutory meeting to elect the Mayor and Deputy Mayor (s71(3)(a) of the Act).
  - Considered a quarterly financial report for the period ended 30 September 2019 (s138(1) of the Act).
  - Submitted Council's annual report including the audited annual financial statements to the LG Minister (s133(1)(a) of the Act).
  - Adopted Council's Election Period Policy (s93B(2)(b) of the Act).
-



- Adopted Council's Councillor Support and Entitlements Policy that includes allowable reimbursements of expenses for Councillors, (s75B(1) of the Act).

For the period 1 January 2020 – 31 March 2020 the following is required to be achieved:

- Receive the quarterly financial statements for the period 1 October 2019 – 31 December 2019 (s138(1) of the Act).
- Completion of Councillor and Senior Officers ordinary returns for inclusion in the Register of Interests (s81(5)(b) of the Act).
- Advise the Minister for Local Government and the Secretary of the Department of Health that Council has reviewed and determined that the Council Plan (incorporating the Municipal Public Health and Wellbeing Plan) remains appropriate (s125(7) of the Act).

## 8. Issues and Risk Management

### Issues:

Nil

### Risk:

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

## 9. Options

There are no options presented with this report as the information is presented for noting.

## 10. Strategic Planning Environments

|                                      |  |
|--------------------------------------|--|
| Strong and Engaged Communities       | Nil  |
| Resilient Economy                    | Nil  |
| Healthy Environment                  | Nil  |
| Balanced Services and Infrastructure | Nil  |
| Responsible Management               | This report supports the implementation of the following strategic objectives:<br><br>Support clear and open communication<br><br>Deliver sound governance and fiscal responsibility |

## 11. Consultation

Nil

## **10.6. Councillor Expenses**

### **Author:**

Sharolyn Taylor, Council Support Officer

### **Responsible Manager:**

Governance Manager

### **Attachments:**

10.6.1 Councillor expenses summary 1 July 2019 to 31 December 2019

10.6.2 Council policy 058 - Councillor Support and Entitlements

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### **1. Purpose**

To note the Councillor expenses summary from 1 July 2019 to 31 December 2019.

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### **2. COUNCILLORS NEELE / WILSON**

**That Council note the Councillor expenses summary from 1 July 2019 to 31 December 2019.**

### **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*.

---

### **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 that Mayor and Councillors are entitled to an annual allowance as set out in Section 74 of the *Local Government Act 1989*. The annual allowances are reviewed and determined by Council following the general Council election and are then reviewed annually by the Minister for Local Government.

There are very substantial time commitments required of Councillors in order for them to properly represent the community and perform their significant legal responsibilities, often requiring travel and late hours. The provision of IT equipment such as mobile phones and iPads, reimbursement of official travel expenses and if applicable, child care expenses is generally provided by municipalities across the state to assist Councillors to defray some of the costs incurred in meeting their responsibilities.

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Council Policy 058 – *Councillor Support and Entitlements* (see Attachment 10.6.2) provides guidance on the reimbursement of expenses, and provision of facilities available to the Mayor and Councillors as required by section 75B of the *Local Government Act 1989*.

The cost of allowances and reimbursed expenses paid to Councillors together with the costs of related services and resources are managed as part of Council's annual budget process.

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## 7. Content

Each Councillor attends regular Council Meetings and Councillor Briefings. In addition to these, a typical Councillor's workload includes meeting with residents and staff; community consultation sessions and other opportunities to engage with constituents often involves long hours and travel; correspondence with the community by mail, email and telephone; site inspections and visits; community celebrations and ceremonial functions; and extensive reading of reports, briefings and other preparation to support effective decision-making.

To contribute to Council's openness and transparency, Councillors' expenses are published on Council's website.

Attachment 10.6.1 details the expenses incurred by each Councillor in the following categories business in accordance with Council policy 058 – Councillor Support and Entitlements:

**Allowance:** includes statutory allowances for the Mayor and Councillors, inclusive of a provision in recognition of the fact that Councillors do not receive superannuation or any other retirement benefit.

**Travel Expenses:** includes taxi fares, public transport costs, car parking fees, a payment of \$40 per round trip exceeding 100kms and reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council related. The Mayor is also provided with full private use of a motor vehicle.

**Telephone:** includes the capital costs, monthly fees and usage costs associated with Councillor mobile phone, and computer equipment.

**Training and Conferences:** includes any registration fees, associated with attendance or participation in conferences or professional development programs within Victoria.

**Accommodation:** includes accommodation costs associated with attendance or participation in conferences, meetings or professional development programs within Victoria.

**Reimbursement of Expenses:** includes carer expenses and other incidental expenditure incurred by Councillors in performing their Councillor role.

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## 8. Issues and Risk Management

### Issues:

The public expect accountability and transparency from its Council and this report and the publishing of Councillor expenses on Council's website responds to this expectation.

### Risk:

There may be increased questions from the public about Councillor expenses, but this would be considered a positive development as it would show that Council welcomes scrutiny.

## 9. Strategic Planning Environments

|                                       |   |
|---------------------------------------|---|
| Strong and Engaged Communities:       | The Councillor's role includes acting as a point of contact for residents, which can include meeting with residents; attending community consultation sessions, site inspections and visits; community celebrations and ceremonial functions. The Councillors assist with fostering Council's strategic objectives of strong and engaged communities. |
| Resilient Economy:                    | No impact   |
| Healthy Environment:                  | No impact   |
| Balanced Services and Infrastructure: | No impact   |
| Responsible Management:               | The cost of allowances and reimbursed expenses paid to Councillors together with the costs of related services and resources are managed as part of Council's annual budget process.  |

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## 10. Consultation

- Governance Manager
- General Manager Corporate Services

## 11. Councillor Reports

| Cr Adrian Weston |   |
|------------------|---|
| 30 January       | 2020 Australia Day Award Winners Ceremony                   |
| 3 February       | EMFM Radio  |
| 3 February       | Campaspe East Timor Association in Friendship AGM & Meeting |
| 5 February       | Kyabram Youth Club Meeting                                  |
| 5 February       | Senior Combined Partners Meeting                            |
| 5 February       | 2020 Fairley Leadership Launch                              |
| 6 February       | Southern 80 Launch Night                                    |
| 15 February      | Stanhope Tribute to Reg Poole                               |
| 14-16 February   | Riverboats Music Festival                                   |
| 17 February      | Echuca Moama Sportstar of the Year Awards                   |

| Cr Daniel Mackrell |   |
|--------------------|---|
| 30 January         | 2020 Australia Day Award Winners Ceremony |
| 14-16 February     | Riverboats Music Festival                 |

| Cr Kristen Munro |                           |
|------------------|---------------------------|
| 6 February       | Southern 80 Launch Night  |
| 8-9 February     | Southern 80               |
| 14-16 February   | Riverboats Music Festival |

| Cr Vicki Neele |   |
|----------------|---|
| 29 January     | Echuca Moama & District Board Meeting     |
| 30 January     | 2020 Australia Day Award Winners Ceremony |
| 5 February     | Kyabram Youth Club                        |
| 12 February    | CWA Regional Meeting Opening              |
| 12 February    | Youth Advisory Group Induction Training   |
| 13 February    | Kyabram Town Hall                         |
| 17 February    | Echuca Cemetery Trust Meeting             |
| 16 February    | Groves Weir Bridge Meeting                |

| Cr Neil Pankhurst |  |
|-------------------|--|
| 30 January        | 2020 Australia Day Award Winners Ceremony    |
| 2 February        | Kyabram Club Official Redevelopment Opening  |
| 3 February        | Echuca Moama Torrumbarry Flood Study Meeting |
| 8-9 February      | Southern 80                                  |

| Cr Leanne Pentreath |  |
|---------------------|--|
| 30 January          | 2020 Australia Day Award Winners Ceremony                                      |
| 5 February          | Audit and Risk Committee Meeting   |
| 7 February          | Loddon Murray 2020 Loddon Murray Community Leadership Program Opening Ceremony |
| 12 February         | Climate Risk Governance Webinar for Local Government                           |
| 14-16 February      | Riverboats Music Festival  |

| Cr Annie Vickers |  |
|------------------|--|
| 30 January       | 2020 Australia Day Award Winners Ceremony            |
| 31 January       | St Joseph's College Echuca Opening College Mass      |
| 2 February       | Kyabram Club Official Redevelopment Opening          |
| 3 February       | Echuca Moama Torrumbarry Flood Study Meeting         |
| 6 February       | Southern 80 Launch Night                             |
| 12 February      | Climate Risk Governance Webinar for Local Government |

| Cr Leigh Wilson |                           |
|-----------------|---------------------------|
| 14-16 February  | Riverboats Music Festival |

| Cr John Zobec |   |
|---------------|---|
| 30 January    | 2020 Australia Day Award Winners Ceremony   |
| 2 February    | Kyabram Club Official Redevelopment Opening |
| 5 February    | Audit and Risk Committee Meeting            |
| 6 February    | Southern 80 Launch Night                    |

## **COUNCILLORS ZOBEC / MUNRO**

**The Councillor Reports be noted.**

**CARRIED**

## 12. Chief Executive Officer's Report

Activities and meetings attended since the previous Council meeting

- Meeting with CLRS Chair and CEO
- Australia Day Award Winners Ceremony
- Campaspe Victorian Farmers Federation meeting
- Murray River Group of Council's CEO meeting
- Meeting with Kaiela Institute CEO
- Kagome Industry Visit
- Loddon Campaspe Regional Partnerships
- MDBA Basin Community Committee Chair breakfast
- Southern 80
- Riverboats Music Festival

### **COUNCILLORS VICKERS / WILSON**

**The Chief Executive Officer's report be noted.**

**CARRIED**

## 13. Petitions and Letters

Nil

## 14. Notices of Motion

### 14.1 Complaints and Actions Against Councillors

#### CR ADRIAN WESTON

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 respective costs:

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

#### Rationale:

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



Signed

Cr Adrian Weston

Date 29-1-2020

#### COUNCILLORS WESTON / VICKERS

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 respective costs:

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

CARRIED



Cr Neele vacated the Chair at 7:54pm

Cr Weston resumed the Chair at 7:54pm

#### **14.2 Complaints and Actions Against Councillors**

**CR DANIEL MACKRELL**

That the Council 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**

**Rationale:**

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



Signed

Cr Daniel Mackrell

Date 31-01-2020

**COUNCILLORS MACKRELL / ZOBEC**

That the Council 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**

**CARRIED**

### **14.3 Local Government Inspectorate Outcomes**

#### **CR DANIEL MACKRELL**

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

- a) **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.**
- b) **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.



Signed

Cr Daniel Mackrell

Date 31-01-2020

#### **COUNCILLORS MACKRELL / WILSON**

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

- a) **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.**
- b) **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.**

**CARRIED**

#### **14.4 Councillor Induction and Training**

##### **CR NEIL PANKHURST**

**That the CEO prepare for Council a report for presentation to the 21 April 2020 Ordinary Council Meeting detailing:**

- a) The induction process provided to Councillors.**
- b) All additional training and governance education provided to Councillors during this term of Council.**
- c) Any additional reviews undertaken to build effective teams.**
- d) The cost to Council.**

##### Rationale

Councillors take up their role with a variety of skills, experience and expectations. It is important for the community to understand the significant amounts of training provided to Councillors to assist them in their role.

With elections due in October, it provided an opportunity to raise awareness of role of a Councillor.

##### **COUNCILLORS PANKHURST / MACKRELL**

**That the CEO prepare for Council a report for presentation to the 21 April 2020 Ordinary Council Meeting detailing:**

- a) The induction process provided to Councillors.**
- b) All additional training and governance education provided to Councillors during this term of Council.**
- c) Any additional reviews undertaken to build effective teams.**
- d) The cost to Council.**

##### **CARRIED**

## 15. Urgent Business

Nil

**COUNCILLORS ZOBEC / MUNRO**

The meeting be adjourned for media and community liaison at 8:05pm for 10 minutes.

**CARRIED**

**COUNCILLORS NEELE / PENTREATH**

The meeting be resumed at 8:16pm.

**CARRIED**

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

**COUNCILLORS PANKHURST / ZOBEC**

That pursuant to the provisions of the *Local Government Act 1989*, the meeting will now be closed to members of the public at 8:17pm to enable the meeting to discuss matters in items 16, 17, 18 and 19 which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

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

**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**

## **22. Open Meeting to the Public**

**COUNCILLORS NEELE / PANKHURST**

That Council open the meeting to the public at 9:02pm

**CARRIED**

## **23. Close Meeting**

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



.....

**Cr Adrian Weston**

**Mayor**