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# Minutes



Minutes of the open section of the seventh Campaspe Shire Council meeting held on Tuesday, 18 August 2020, commencing at 5:00pm virtually via Zoom.

## Present

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

## Business

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

#### Apologies

#### Requests for Leave of Absence

## 2. Confirmation of Minutes and Attachments

Minutes for the following:

- Campaspe Council Meeting held on 21 July 2020
- Campaspe Briefing Session held on 7 July 2020
- Campaspe Briefing Session held on 14 July 2020
- Campaspe Briefing Session held on 21 July 2020

### **COUNCILLORS MUNRO /ZOBEC**

**That the following minutes be confirmed:**

- **Campaspe Council Meeting held on 21 July 2020**
- **Campaspe Briefing Session held on 7 July 2020**
- **Campaspe Briefing Session held on 14 July 2020**
- **Campaspe Briefing Session held on 21 July 2020**

**CARRIED**

## 3. Changes to the Order of Business

Nil

## 4. Declaration of Interests

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

*Local Government Act 1989 Section 79*

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

Nil

## **5. Responsible Authority Decisions**

## **6. Planning Authority Decisions**

## **7. Question Time**

## **8. Acknowledgements**

## 9. Council Decisions

### 9.1. Governance Rules

**Author:**

Andrew Cowin, Manager Governance and Strategy

**Attachments:**

9.1 Draft Governance Rules

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#### 1. Purpose

To seek adoption of the draft Governance Rules in accordance with Section 60(7) of the *Local Government Act 2020*.

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#### 2. COUNCILLORS PENTREATH / WILSON

**That Council having given notice and considered submissions received in relation to draft Governance Rules, resolves to adopt the Governance Rules prepared by Council for the purposes of section 60 of the *Local Government Act 2020*; as appended at Attachment 9.1.**

**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

On the 24 March 2020, the *Local Government Act 2020* (the Act) received royal assent and a proclamation of commencement was made.

The Act is coming into operation over the next year in four stages with each stage commencing as follows:

- Stage 1 – 6 April 2020
  - Stage 2 – 1 May 2020
  - Stage 3 – 24 October 2020
-

- Stage 4 – 1 July 2021

Each stage containing a number of specific compliance obligations. Stage 1 provides for the implementation of the following on or before 1 September 2020:

- Governance Rules
- Expenses Policy
- Delegated Committees
- Asset Committees
- Audit and Risk Committee
- Public Transparency Policy

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## 7. Content

The Act outlines at section 60(7) that A Council must adopt the first Governance Rules under this section on or before 1 September 2020.

More specifically the Act outlines at section 60(1) & (2) that:

*(1) Council must develop, adopt and keep in force Governance Rules for or with respect to the following—*

- (a) the conduct of Council meetings;*
- (b) the conduct of meetings of delegated committees;*
- (c) the form and availability of meeting records;*
- (d) the election of the Mayor and the Deputy Mayor;*
- (da) the appointment of an Acting Mayor;*
- (e) an election period policy in accordance with section 69;*
- (f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;*
- (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;*
- (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);*
- (i) any other matters prescribed by the regulations.*

*(2) The Governance Rules must provide for a Council to—*

- (a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and*
- (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.*



Council at its meeting on the 23 June 2020 resolved:

*That Council:*

1. *Endorse the Draft Governance Rules appended as Attachment 9.2, as the Governance Rules prepared by Council for the purposes of section 60 of the Local Government Act 2020.*
2. *Authorise the Chief Executive Officer to:*
  - a) *Give public notice inviting submissions from members of the public for Council consideration; and*
  - b) *Make available for public inspection the Draft Governance Rules on Council's website and in each Customer Service Centre.*
3. *Consider any submission received in writing prior to 5pm on Thursday 30 July 2020.*
4. *Hear any submissions (if required) on the Draft Governance Rules at a Submissions Hearing to be held at the Echuca Civic Centre Function Room or in an approved web/phone meeting on Tuesday 4 August 2020 at 5:00pm.*
5. *Consider any motion to adopt the Draft Governance Rules at a Council meeting to be held on Tuesday 18 August 2020, having regard to all submissions received.*
6. *Adopt the amended Policy 152-Election Period appended as Attachment 9.2.2.*

The draft Governance Rules were placed on public display from the 24 June to the 30 July 2020. A total of two (2) submissions were received.

Submissions were considered at a hearing, conducted online (virtually), on the 4 August 2020.

The table below outlines a summary of the matters raised in each of the submissions received along with a proposed response.

<b>Submitter</b>	<b>Submission Summary</b>	<b>Response</b>
Mr P Williams	<p>The submission highlighted (at Governance Overview and Decision Making provisions at Chapter 1)</p> <ul style="list-style-type: none"> <li>• Ensuring that a person or persons are provided an opportunity to communicate their views and have their interests considered; the rules should reflect this.</li> </ul> <p>Sub-rule 2.4.5 Deputations/Delegations of the draft Governance Rules. The submission proposes the re-drafting of the sub-rule to provide for the following. That:</p> <ul style="list-style-type: none"> <li>• individuals/deputations/delegations may make a written request to the CEO who shall determine if the request relates to a business item on the agenda.</li> <li>• Written requests to speak, from individuals/deputations/delegations, be referred to a meeting of Council for consideration to be heard.</li> </ul>	<p>In response the following changes are proposed to the draft Governance Rules</p> <p>Rename sub-rule 2.4.5 to Representations</p> <p>Amend sub-rule 2.4.5(1) to provide for individuals to be heard at a meeting of Council</p> <p>Amend sub-rule 2.4.5(4) to provide for a maximum of six (6) representations to be heard at a meeting of Council.</p> <p>Amend sub-rule 2.4.5(5) to provide for the Mayor and CEO to agree to hear representations</p> <p>At the Definitions:</p> <p>Delete definition relating to Deputation/Delegations</p> <p>Insert new definition for Representations incorporating definitions for Individual, Deputation and Delegation</p> <p>At sub-rule 2.2.2 insert new sub-rule providing for an unscheduled meeting to</p>

	<ul style="list-style-type: none"> <li>• The limiting of deputations/delegations to two (2) be deleted</li> <li>• Requests to speak in support of a submission where there are more than 5 requests to speak at the meeting be referred to a special Submissions Hearing.</li> </ul>	be called should the number of representations exceed six (6)
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Submitter	Submission Summary	Response
Mr P Jarman	<p>The submission expresses concern that at 2.4.5 Deputations/Delegations the draft rules:</p> <ul style="list-style-type: none"> <li>• Limit who may speak at a council meeting</li> <li>• do not provide for individuals to speak to an agenda item at a council meeting.</li> <li>• Provides discretion to the CEO to make decisions as to who speaks</li> </ul> <p>The submission seeks that the draft Governance Rules be amended to allow for individuals to speak to items on the agenda.</p>	As per response to Mr P Williams (above).

In addition, to support improved clarity to the draft Governance Rules, the following amendments, insertions and deletions are proposed.

Sub-rule	Proposed Change	Reason for Change
Definitions	Insert new definition "Requires a Decision"	Defines business items as being items listed under the agenda headings of Responsible Authority Decisions, Planning Authority Decisions and Council Business
2.3	Insert new sub-rule 2.3.5 Inability to Maintain a Quorum due to abstaining from voting	Provides for the establishment of a delegated committee under section 63 of the Local Government Act where a quorum cannot be maintained due to Councillors abstaining from voting
2.4.1(2)(n)	Insert "(including Rescission Motions)"	Clarifies that Notices of Motion listed on the agenda include Rescission Motions
2.4.5(3)	Amend sub-rule 2.4.5(3) to define items of business on the meeting agenda as items under the agenda headings of Responsible Authority Decisions, Planning Authority Decisions and Council Decisions.	Clarifies the items of business to which representations may be made
2.4.5	Insert a new sub-rule 2.4.5(4)	Provides for delegations wishing to make a presentation to a Council Briefing Session and the process for requesting

<b>Sub-rule</b>	<b>Proposed Change</b>	<b>Reason for Change</b>
2.4.5	Insert a new sub-rule 2.4.5(7)	Provides for discretion of the Chair to determine the order of representations to be heard other than for items listed under the agenda headings of Responsible Authority Decisions and Planning Authority Decisions
2.4.8(7)	Amend sub-rule 2.4.8(7) by inserting “that the CEO has determined”	Clarifies responsibility for determining if a petition or joint letter complies with the sub-rule 2.4.8(6)
2.4.11(6)	Amend sub-rule 2.4.11(6) by inserting “and if not, advise the Councillor why not, and then advise”	Clarifies the sub-rule
2.6.7	Insert a new sub-rule 2.6.7(a)	Provides for the Chair to advise Councillors of the recording of voting should they abstain and remain in the meeting
2.6.7	Insert a new sub-rule 2.6.7(b)	Provides for a Councillor to return for a new vote if they left the room to abstain from the original vote
2.6.16(1)(f)&(g)	Amend sub-rule 2.6.16(1)(f)&(g) by inserting (f) “(or reserve/defer their right to speak to later in the debate)” (g) “or has reserved/deferred their right to speak”	Clarifies the sub-rule
2.6.23(1)	Insert a new sub-rule 2.6.23(1)(a)	Clarifies that debate on a Notice of Motion for Rescission must be confined to the grounds of the rescission and not the merits of the original motion
2.6.25	Insert “Notice of Motion” and “Notice of Rescission” in Procedural Motion Table	Administrative and for ready reference
2.6.25	Amend Procedural Motions Table “Mover/Seconder”	Corrects the Mover/Seconder in accordance with sub-rule 2.6.27(2)
2.6.25	Insert “Dissent in the Chair’s ruling of a Point of Order” in Procedural Motion Table	Administrative and for ready reference
2.6.43(1)	Insert new sub-rule 2.6.43(1)(f)	Administrative. Relocates existing sub-rule 2.6.41(b) to 2.6.43(f) as more appropriate reference location

In addition to the above a number of administrative and clerical corrections (including renumbering) have been made to ensure correct referencing of other sub-rules and sections of the *Local Government Act 2020* in addition to grammatical corrections.

## 8. Issues and Risk Management

### Issues:

The preparation of a Governance Rules is a new requirement of the *Local Government Act 2020* and has been prepared using all available information. As new information becomes available or if either Ministerial Guidelines or Regulations are enacted the Governance Rules may need to be further amended.

### Risk:

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

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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	The adoption of a Governance Rules supports implementation of strong governance by ensuring Council meets its obligations under the <i>Local Government Act 2020</i> .

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## 10. Consultation

The draft Governance Rules were placed on public display from 24 June to 30 July 2020. A total of two (2) submissions were received.

Both submissions were considered during a virtual hearing on 4 August 2020.

## **9.2. Proposed Local Law No.1 Use of the Common Seal**

### **Author:**

Andrew Cowin, Manager Governance and Strategy

### **Attachments:**

9.2 Draft Campaspe Shire Council Local Law No.1 Use of Common Seal 2020

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### **1. Purpose**

To seek the making of the Campaspe Shire Council Local Law No.1 Use of Common Seal 2020 in accordance with Section 119 of the *Local Government Act 1989*.

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### **2. COUNCILLORS PANKHURST / NEELE**

**That Council, having given notice and considered the submission received, adopt the draft Campaspe Shire Council Local Law No.1 Use of Common Seal 2020 and give notice in the Government gazette that the Local law has been made in accordance with section 119(3) of the *Local Government Act 1989*.**

### **CARRIED**

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

In accordance with Section 80B of the *Local Government Act 1989*, the 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**

On the 24 March 2020, the *Local Government Act 2020* (the new Act) received royal assent and a proclamation of commencement was made.

On 1 May 2020, section 60 of the *Local Government Act 2020* commenced, which required Council to develop, adopt and keep in force Governance Rules by the 1 September 2020. The adoption of the Campaspe Shire Council Governance Rules is the subject of another report presented for Council consideration at its meeting on the 18 August 2020.

The creation of Governance Rules means that the Local Law No. 1 Meeting Procedures 2019, is no longer required, however Part 16 of the Local Law No. 1 Meeting Procedure that governs the authorised use of Council's Common Seal needs to remain in a Local Law.

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Council considered a report at its meeting on the 23 June 2020 that commenced the statutory process to make a new Local Law No. 1 Use of Common Seal 2020, to define the authorised use of the common seal and on commencement revoke Local Law No. 1 Meeting Procedure Local Law 2019.

The statutory process enabled submissions to be received in accordance with section 223 of the Local Government Act 1989. Submissions closed on at 5:00pm on Thursday 30 July 2020. A total of one submission was received.

The submission made the following comment in relation to the draft Local Law No.1

*"I support the regulations that will be used for the use of the common seal and look forward to seeing it enacted."*

The submission represents a submission of support and seeks no changes to the draft Local Law No.1 as exhibited. Further the submitter made no request to be heard by Council at a submission hearing.

## 7. Issues and Risk Management

### Issues:

No issues have been identified.

### Risk:

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

## 8. Strategic Planning Environments

Strong and Engaged Communities	No impact.
Resilient Economy	No impact.
Healthy Environment	No impact.
Balanced Services and Infrastructure	No impact.
Responsible Management	The preparation of Governance Rules and the making of a new Local Law that governs the authorised use of the Common Seal, ensures Council meets its statutory obligations under the <i>Local Government Act 1989</i> and <i>Local Government Act 2020</i> .

## 9. Consultation

Public notice was provided in accordance with section 223 of the *Local Government Act 1989*. More specifically notice was given in the Riverine Herald, Kyabram Free Press, Campaspe New and Waranga News in the week commencing 29 June 2020.

A copy of the draft local law and community impact statement were made available on Council's website and Service Centres.

### **9.3. New Council Policy - Public Transparency**

**Author:**

Andrew Cowin, Manager Governance and Strategy

**Attachments:**

9.3 Draft Council Policy - Public Transparency

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**1. Purpose**

To seek adoption of the draft Public Transparency Policy in accordance with Section 57 of the *Local Government Act 2020*.

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**2. COUNCILLORS PENTREATH / MUNRO**

**That Council adopt the draft Public Transparency Policy as appended at Attachment 9.3.**

**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.

---

**6. Background**

On the 24 March 2020, the *Local Government Act 2020* (the Act) received royal assent and a proclamation of commencement was made.

The Act is coming into operation over the next year in four stages with each stage commencing as follows:

- Stage 1 – 6 April 2020
  - Stage 2 – 1 May 2020
  - Stage 3 – 24 October 2020
  - Stage 4 – 1 July 2021
-

Each stage contains a number of specific compliance obligations. Stage 1 provided for the implementation of the following on or before 1 September 2020:

- Governance Rules
  - Expenses Policy
  - Delegated Committees
  - Asset Committees
  - Audit & Risk Committee
  - Public Transparency Policy
- 

## 7. Content

The Act outlines at section 57(1) that a Council must adopt and maintain a public transparency policy. More specifically the Act outlines at section 57(2) that:

*A public transparency policy must—*

- a) give effect to the public transparency principles; and*
- b) describe the ways in which Council information is to be made publicly available; and*
- c) subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act; and*
- d) include any other matters prescribed by the regulations.*

Section 58 of the Act outlines the public transparency principles as:

*The following are the public transparency principles—*

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;*
- b) Council information must be publicly available unless—*
  - (i) the information is confidential by virtue of this Act or any other Act; or*
  - (ii) public availability of the information would be contrary to the public interest;*
- c) Council information must be understandable and accessible to members of the municipal community;*
- d) public awareness of the availability of Council information must be facilitated.*

A draft Public Transparency Policy, as appended at Attachment 9.3, has been developed to meet the requirements of the Act.

In preparing the draft policy, consideration was given to the Draft Model Public Transparency Policy released by Local Government Victoria and the principles and requirements of the Act.



## 8. Issues and Risk Management

### Issues:

The adoption of a Public Transparency Policy is a new requirement of the *Local Government Act 2020* and has been prepared using all available information. As new information becomes available or Ministerial Guidelines or Regulations are enacted the policy may need to be further amended

### Risk:

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

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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	The adoption of a Public Transparency Policy supports implementation of strong governance by ensuring Council decisions are transparent and information is publicly available.

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## 10. Consultation

The draft Public Transparency Policy was presented at the Council Briefing Session on 4 August 2020.

## **9.4. Council Policy Review**

### **Author:**

Sharolyn Taylor, Council Support Officer

### **Responsible Manager:**

Manager Governance and Strategy

### **Attachments:**

9.4.1. Council Policy 004 – Garbage and Recycling Services to Rural Areas

9.4.2. Council Policy 068 – Community Plan Implementation Funds

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### **1. Purpose**

To present to Council two policies for revocation.

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### **2. COUNCILLORS WILSON / PANKHURST**

**That Council revoke the following policies:**

- 1. Council Policy 004 – Garbage and Recycling Services to Rural Areas**
- 2. Council Policy 068 – Community Plan Implementation Funds.**

**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**

Policies provide guidance to staff, Council and the community to promote consistency in decision making, guide service delivery and the pursuit of strategic objectives.

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 can create and access a comprehensive collection of 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 policies for revocation are listed below, and the policies are also attached.

Policy No.	Policy Title	Reason for Revocation
004	Garbage and Recycling Services to Rural Areas	It is proposed to revoke this policy as the policy is covered in the Waste, Recycling, Food and Garden Waste Guidelines that were adopted by Council on 15 October 2019.
068	Community Plan Implementation Funds	It is proposed to revoke this policy as all funds have been expended.

## 8. Issues and Risk Management

### Issues:

Nil

### Risk:

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

## 9. Strategic Planning Environments

Strong and Engaged Communities:	No impact
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	Policies improve delivery on services to the community and give clear direction to officers.
Responsible Management:	Council policies assist with establishing guidelines, effective decision making and being accountable to the community.

## 10. Consultation

### Internal Consultation

- Responsible policy officers
- Executive Management Group

### Councillors

- 4 August 2020 Briefing session

## **9.5. Council Delegation to the Chief Executive Officer**

### **Author:**

Sharolyn Taylor, Council Support Officer

### **Responsible Manager:**

Manager Governance and Strategy

### **Attachments:**

9.5 Instrument of Delegation - Council to the Chief Executive Officer

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### **1. Purpose**

To seek Council's agreement to sign and seal the Instrument of Delegation from Council to the Chief Executive Officer in order to delegate powers in relation to various Acts and Regulations.

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

In the exercise of the power conferred by s.11(1)(b) of the *Local Government Act 2020* (the Act), Campaspe Shire Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The powers set out in the instrument must be executed, and the associated duties and functions required in order to exercise those powers must be performed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**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 has wide ranging responsibilities, functions and duties which it must perform and powers which it may exercise, pursuant to the *Local Government Act 2020* (the Act), as well as a range of other Acts and Regulations. Section 11(1)(b) of the Act allows for Council to delegate certain powers, duties or functions to the Chief Executive Officer.

Delegating council's powers is essential to fulfilling the responsibilities of local government and is a critical governance tool of the Council. It would be practically impossible for a Council to exercise all of these powers, duties and functions itself because it would need to pass a Council resolution each time it wished to act. For day to day operations, Councils need others to make decisions and act on their behalf.

When a Council delegates a power to a member of staff ("the delegate"), the decision of the delegate is deemed to be a decision of the Council. The most important delegation issued by the Council is to the Chief Executive Officer (CEO). This delegation allows the CEO to then sub-delegate powers to Council officers, to allow them to make the day to day decisions necessary to provide responsive and high quality services to the community.

This instrument delegates certain Council powers capable of delegation (subject to some exceptions and limitations) to the CEO to:

1. determine any issue;
2. take any action; or
3. do any act or thing.

arising out of, or connected with any duty imposed, or function or power conferred on Council by or under any Act **except** as stated in the conditions/limitations.

Council subscribes to the delegations and authorisation service provided by Maddocks Lawyers, which is used across local government in Victoria. Subscribing to the Maddocks service reduces the risk that legislative changes which have implications for the Council's delegations and authorisations are not properly identified and implemented.

The previous Instrument of Delegation from the Council to the CEO was adopted by Council on 27 June 2017. A new Instrument of Delegation must be authorised by Council resolution by 1 September 2020 in accordance with the requirements of the *Local Government Act 2020*.

## 7. Issues and Risk Management

### Issues:

Nil

### Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Council does not provide delegations to the CEO.	Rare	Major <u>Public image and reputation</u> - media interest. Wider community/public concern.	Low	Council is aware of significant delays in service delivery if delegations are withdrawn.

## 8. Options

### Option 1: Agree to sign and seal the Instrument of Delegation Council to the Chief Executive Officer

This option is recommended by officers.

Councils have wide ranging responsibilities and have many powers under different pieces of legislation. Delegating Council's powers is essential to fulfilling the responsibilities of local government.

Signing and sealing the Instrument ensures Council has met its compliance obligations under the *Local Government Act 2020*.

### Option 2: Not sign and seal the Instrument of Delegation to Council to the Chief Executive Officer

This option is not recommended by officers.

It would be practically impossible for a Council to exercise all of these powers itself because it would need to pass a Council resolution each time it wished to act. For day to day operations, Council need others to make decisions and act on their behalf.

Additionally, not signing and sealing the Instrument would be in contravention of the requirements of the *Local Government Act 2020*.

## 9. Strategic Planning Environments

Strong and Engaged Communities	Delegations are critical for the community to be assured decisions are made in accordance with appropriate authority levels.
Resilient Economy	No direct impact.
Healthy Environment	No direct impact.
Balanced Services and Infrastructure	Delegations ensure continued efficient delivery in relation to council services and assets.
Responsible Management	Delegations provide strong leadership, advocacy and good governance in the operation of Campaspe Shire Council.

## 10. Consultation

### Internal consultation:

- Executive Management Group

### External consultation:

- Maddocks Lawyers

### Councillors:

- 11 August 2020 Council Briefing Session.

## 11. Officer Comment

It is standard practice to delegate to the CEO all powers except those powers which cannot be delegated by legislation. The CEO being responsible for all staffing matters may then sub-delegates authority to senior staff so that services can be provided at the appropriate level and in accordance with the Council Plan and Budget. Given the extensive variety of services provided by local government it would be practically impossible for the Council to make all decisions. Local government world-wide use delegations to senior officers to provide an appropriate level of service within acceptable time frames.

## **9.6. Instrument of Delegation – Council to Members of Council Staff**

### **Author:**

Sharolyn Taylor, Council Support Officer

### **Responsible Manager:**

Manager Governance and Strategy

### **Attachments:**

9.6 Instrument of Delegation Council to Members of Council Staff

### **1. Purpose**

To seek Council's agreement to sign and seal the Instrument of Delegation of Council to Members of Council Staff in order to delegate its powers in relation to various Acts and Regulations.

### **2. Recommendation**

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Campaspe Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation Council to members of Council staff*, the powers set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The powers set out in the instrument must be executed, and the associated duties and functions required in order to exercise those powers must be performed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

### **COUNCILLORS PENTREATH / MUNRO**

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Campaspe Shire Council (Council) resolves that:

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation Council to members of Council staff*, the powers set out in that instrument, subject to the conditions and limitations specified in that Instrument and with the following amendment;**

<b>Domestic Animals Act 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS</b>
<b>s.41A(1)</b>	<b>power to declare a dog to be a menacing dog</b>	<b>GMCM MCB</b>	<b>Council may delegate this power to an authorised officer.</b>

2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**

3. **On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
4. **The powers set out in the instrument must be executed, and the associated duties and functions required in order to exercise those powers must be performed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

## 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 has wide ranging responsibilities, functions and duties which it must perform and powers which it may exercise, pursuant to the *Local Government Act 2020* (the Act), as well as a range of other Acts and Regulations.

Delegating council's powers is essential to fulfilling the responsibilities of local government and are a critical governance tool of the Council. It would be impossible for a Council to exercise all of these powers itself because it would need to pass a Council resolution each time it wished to act. For day to day operations, Councils need others to make decisions and act on their behalf.

When a Council delegates a power to a member of staff ("the delegate"), the decision of the delegate is deemed to be a decision of the Council.

This instrument delegates certain powers contained within various Acts and Regulations (or specific parts of those Acts or Regulations), which provide a specific power of delegation directly from Council to Council staff i.e. the *Planning and Environment Act*, the *Food Act 1954* and others containing specific powers of delegation, that do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated. This means, it is necessary for the delegation to come from Council to the staff members directly.

Whilst it could be argued that Council could simply rely on the general delegation powers in the *Local Government Act 2020* to delegate matters under these other Acts and ignore the specific delegation powers in these other Acts, there is an appreciable risk in doing so.

This would be to ignore a rule of statutory interpretation which dictates that the specific takes priority over the general. Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

Council subscribes to the delegations and authorisation service provided by Maddocks Lawyers, which is used across local government in Victoria. Subscribing to the Maddocks service reduces the risk that legislative changes which have implications for the Council's delegations and authorisations are not properly identified and implemented.



The previous Instrument of Delegation from Council to members of Council staff was adopted on 18 September 2018 and has since been reviewed and updated to reflect changes to legislation, position titles and reporting lines within the organisation. These changes are essential to ensuring officers are authorised with the appropriate powers to perform their roles effectively.

This Instrument of Delegation must be authorised by Council resolution by 1 September 2020 in accordance with the requirements of the *Local Government Act 2020*.

## 7. Issues and Risk Management

### Issues:

Nil

### Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Council does not provide delegations to officers	Possible	Major <u>Public image and reputation</u> - media interest. Wider community/public concern	High	Council is aware of significant delays in service delivery if delegations are withdrawn.

## 8. Options

### Option 1: Agree to sign and seal the Instrument of Delegation to Members of Council Staff

This option is recommended by officers.

Councils have wide ranging responsibilities and have many powers under different pieces of legislation. Delegating council's powers is essential to fulfilling the responsibilities of local government.

Signing and sealing the Instrument ensures Council has met its compliance obligations under the *Local Government Act 2020*.

### Option 2: Not sign and seal the Instrument of Delegation to Members of Council Staff

This option is not recommended by officers.

It would be practically impossible for a council to exercise all of these powers, duties and functions itself because it would need to pass a council resolution each time it wished to act. For day to day operations, councils need others to make decisions and act on their behalf.

Additionally, not signing and sealing the Instrument would be in contravention of the requirements of the *Local Government Act 2020*.

## 9. Strategic Planning Environments

Strong and Engaged Communities	Delegations are critical for the community to be assured decisions are made in accordance with appropriate authority levels.
Resilient Economy	No direct impact.
Healthy Environment	No direct impact.

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Balanced Services and Infrastructure	Delegations ensure continued efficient delivery in relation to council services and assets.
Responsible Management	Delegations are critical for staff, Council and the community are assured decisions are made in accordance with appropriate authority levels and good governance.

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## 10. Consultation

### Internal consultation:

- Executive Management Group

### External consultation:

- Maddocks Lawyers

### Councillors:

- 11 August 2020 Council Briefing Session.
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## 11. Officer Comment

It is important that all of Council's Instruments of Delegation remain up to date with the latest versions of legislation and that the document reflects the current organisation structure. The amended Instrument of Delegation reflects such changes and it is therefore recommended that the updated document comes into force and the previous Instrument is revoked.

## **9.7. Local Government Representation**

### **Author:**

Andrew Cowin, Manager Governance and Strategy

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### **1. Purpose**

To determine Council's support for making a representation on the National Federal Reform Council.

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### **2. COUNCILLORS PANKHURST / NEELE**

**That Council authorise the Mayor to:**

- 1. Write to the Prime Minister, The Hon Scott Morrison MP, supporting the permanent inclusion of Local Government representation from the Australian Local Government Association on the National Federal Reform Council, following the dissolution of the Council of Australian Governments.**
- 2. Thank East Gippsland Shire Mayor, Councillor John White, for his correspondence and provide a copy of Council's letter to the Prime Minister.**
- 3. Provide a copy of Council's letter to the Municipal Association of Victoria.**

**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 Prime Minister, Hon Scott Morrison MP, recently announced that National Cabinet had agreed to the formation of the National Federation Reform Council (NFRC) and the cessation of the Council of Australian Governments (COAG).

Councils have been represented at every COAG meeting through the Australian Local Government Association (ALGA) under a long-standing agreement.

The Prime Minister outlined that the National Cabinet, the Council on Federal Financial Relations (CFFR) and ALGA will meet in person as the NFRC yearly. The focus of the NFRC will be on priority national issues. The new model of NFRC is seeking to streamline processes, enabling improved collaboration, communication and effectiveness between levels of government.

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## 7. Content

Following the announcement regarding the NFRC, East Gippsland Shire Council has written to all Victorian councils seeking their support to advocate to the Federal and State Governments regarding Local Government representation on the NFRC.

Advocacy – or ‘lobbying’ - is an important role for local government in Victoria, and to this extent it is specified in the Victorian Local Government Act as one of the key functions of councils. Local government advocacy is about *stepping up to speak out* on issues that matter to the local community so as to seek positive outcomes from decision-makers. This may include issues such as new infrastructure, funding for programs, or changes to policy or legislation. Funding and support from government also allows councils to progress key local projects and continue to deliver high-quality services to the community.

Recent events have demonstrated that Local Governments play a significant role in the planning and delivery of many services that impact on the everyday lives of Australians. Councils must continue to be part of Australia’s national decision-making because they know what matters most to their respective communities and how to best deliver it.

Representation of local government on the NFRC will ensure that Australians have someone to represent them at each level of government and that all levels of government are working together for the Australian community.

## 8. Issues and Risk Management

### Issues:

No issues have been identified

### 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	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 is providing strong leadership and seeking improved outcomes for our community.

## **9.8. Statement of Intent to Establish an Agreement with Dja Dja Wurrung Aboriginal Corporation**

### **Author:**

Andrew Cowin, Manager Governance and Strategy

### **Attachments:**

9.8. Draft Statement of Intent

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### **1. Purpose**

To seek Council's support to continue working with Dja Dja Wurrung Aboriginal Corporation to establish a written agreement outlining how each party can work together for the benefit of the communities within the Shire of Campaspe.

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

#### **That Council:**

- 1. Refer the draft Statement of Intent between the Dja Dja Wurrung Aboriginal Corporation and Campaspe Shire Council to the incoming Council, with a recommendation to endorse it.**
- 2. Recommend the incoming Council invite a delegation from Dja Dja Wurrung Aboriginal Corporation to present the draft Statement of Intent.**

### **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**

The Victorian Government committed to working with Aboriginal Victorians towards Australia's first treaty in 2016.

The Advancing the Treaty Process with *Aboriginal Victorians Act 2018* passed the Victorian Parliament in July 2018. Victoria is the first state to enter into formal treaty negotiations with Aboriginal Victorians.

Consistent with the spirit of Treaty Council signed an agreement with Yorta Yorta Nation Aboriginal Corporation representing the interests of the Yorta Yorta People on 5 December 2017. The agreement seeks to build a

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closer working relationship between the two organisations and improve the presence and understanding of Aboriginal issues in the planning and provision of services by Council with a view to improved Aboriginal participation, employment, health and wellbeing outcomes.

In early June 2019 representatives from Dja Dja Wurrung Aboriginal Corporation expressed a desire to reach similar agreement.

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## 7. Content

The Campaspe region has a strong and rich Aboriginal cultural, going back at least 26,000 years and evident in the range of significant Aboriginal sites including Murray River, Kow Swamp, Lake Cooper and Kanyapella depression.

The Shire of Campaspe incorporates three Traditional Owner groups Dja Dja Wurrung Aboriginal Corporation, Taungurung Land and Waters Council; and Yorta Yorta Nation Aboriginal Corporation. Traditional Owners have unique rights to country and in some cases statutory authority in relation to land and natural resource management and heritage, stemming from Native Title and cultural heritage legislation.

Reconciliation through fostering an environment of mutual respect and corporation between Aboriginal and non-Aboriginal People has long been a priority area for Council. A Statement of Intent (statement) that affirms the intentions of both Dja Dja Wurrung Aboriginal Corporation and Campaspe Shire Council to reach agreement has now been drafted and recently endorsed by the Dja Dja Wurrung Aboriginal Corporation board.

The statement outlines the principles upon which a future agreement would be based. A delay in the endorsing of the statement by Dja Dja Wurrung Aboriginal Corporation board has impacted the ability for this Council to endorse and sign the statement and finalise a future agreement.

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## 8. Issues and Risk Management

### Issues:

A statement does not raise any issues, it does not bind Council nor Dja Dja Wurrung Aboriginal Corporation to any structure or content of a future agreement but does outline principles upon which a future agreement would be based.

Importantly, its purpose is to publicly affirm that each party has a commitment to work together on the matter.

### Issue 1: Caretaker Period

The local government elections are scheduled for the 24 October 2020. In the lead up to the elections Council must comply with its Election Period policy and the requirements of the *Local Government Act 2020* (the Act). The Act outlines that Councils are prohibited from making decisions during the period if they could reasonably be deferred until the next Council is in place or Council considers the decision should not be made during the election period.

While the election period is yet to commence, signing the statement would bind the next Council to the principles and the development of an agreement. The signing of the statement and the principles contained within would therefore be more appropriately considered by the next Council, which would then have the opportunity to work directly with Dja Dja Wurrung on finalising an agreement.

**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: Sign the Statement of Intent

The signing of the statement with Dja Dja Wurrung Aboriginal Corporation is the first step to the development of an agreement. Given the approaching local government elections, Council should consider if the decision could reasonably be deferred until the next Council is in place, thereby enabling it to work directly with Dja Dja Wurrung on finalising an agreement.

This option is not recommended by officers.

### Option 2: Refer the signing of the Statement of Intent to the incoming Council of consideration

Recognises the approaching caretaker period and supports the building of a strong relationship between the two organisations by allowing the next Council to work directly with Dja Dja Wurrung on finalising the agreement.

This option is recommended by officers.

## 10. Strategic Planning Environments

Strong and Engaged Communities:	The statement supports implementation of strategies 1 and 2 by fostering a partnership with Dja Dja Wurrung as Traditional Owners.
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	No impact
Responsible Management:	The statement supports implementation of the strategic objectives of responsible management by demonstrating strong leadership.

## 11. Consultation

### Internal Consultation:

- CEO; on the content of the statement and implication of signing so close to the caretaker period.

### External Consultation:

- The statement was developed in consultation with representatives from Dja Dja Wurrung Aboriginal Corporation.

### Councillors:

- At the 4 June 2019 Council Briefing Session, a delegation from Dja Dja Wurrung Aboriginal Corporation discussed a desire to establish an agreement with Council. It was agreed that a *statement* would be an appropriate first step.

## **9.9. Permits to Burn and Fire Danger Period Signs**

### **Author:**

John Boal, Emergency Management Coordinator

### **Responsible Manager:**

Manager Governance and Strategy

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### **1. Purpose**

To affirm Council's ongoing role in the issue of Schedule 13 Permits to Burn under the Country Fire Authority Act and the management and operation of the Fire Danger Period in Force Signs across the municipality.

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### **2. COUNCILLORS WILSON / PANKHURST**

#### **That Council:**

- 1. Note that no applications for Schedule 13 Permits to Burn have been received within the last two declared Fire Danger periods and that the Country Fire Authority has been issuing Permits since the 2018 declared Fire Danger period.**
- 2. Discontinue the consideration and issuing of Schedule 13 Permits to Burn under the *Country Fire Authority Act 1958*.**
- 3. Confirm its withdrawal from the management and operation of the roadside "Fire Danger Period in Force" from the commencement of the 2020/21 fire season.**
- 4. Support the CFA in any advocacy efforts for increased funding or implementation of alternative technologies that increase community awareness of the risks of fire and the need for permits.**
- 5. Advise the Country Fire Authority of its decisions.**

#### **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 *Country Fire Authority Act 1958* (the Act) allows the Chief Executive Officer of the Country Fire Authority (CFA) to declare a fire danger period for the country area of Victoria. During the declared fire danger period the lighting of fires is prohibited unless authorised by the issue of a permit under the Act.

A *Schedule 13 Permit to Burn by a Private Person* may be issued by the Chief Officer (or a delegated person) of the CFA or the Municipal Fire Prevention Officer (MFPO) of a municipal council.

Rural Councils where cereal cropping is an agricultural practice, have historically issued Permits to Burn to primary producers within the declared Fire Danger period (over the summer period) on behalf of the CFA. Campaspe Shire Council is one of the municipalities that has issued permits annually.

Rural Councils have also historically managed the opening and closing of “Fire Danger Period in Force” roadside signage, when the period is declared (usually Nov–Dec) and terminated (usually March–May) by the CFA.

The Act was written in a time when local government provided a broad range of services to their community and CFA had limited resources that were centrally located. The landscape has changed significantly over time. The CFA now has numerous local offices and resources at a local level, as well as its network of local brigades. Local Government has geographically expanded and assumed greater responsibility with less resources and a greater requirement to provide services at cost recovery.

In late 2017 a review was undertaken on the administrative cost to Council associated with the issuing of Permits to Burn. The review noted that seasonal conditions have a significant impact on permit application numbers. Historic practices by Council have driven increased community expectation that permits will be issued generally on the same or following day of application. This expectation placed a significant resource load on officers issuing permits which was not sustainable.

The review noted that in the three years prior to the review the following numbers of permit had been issued:

Year	No. Permits
2015	97
2016	8
2017	260

As a consequence of the outcomes of this review in January 2018, as part of the midyear budget review, Council resolved to:

*Adopt the introduction of a \$70.00 fee/charge into the 2017/18 Budget for application for a Permit to Burn under Schedule 13 of the Country Fire Authority Regulations 2014.*

## 7. Content

As a consequence of the introduction of the fee Council did not receive an application in 2018 or 2019. In response the CFA commenced and continue to issue permits at no cost.

### Management and operation of Fire Danger Period in Force signs

In 2019/20, discussions commenced with the CFA in relation to the management and operation of the Fire Danger Period in Force signs. CFA believe that the signs play an important role in their overall strategy of informing the local community that the fire danger period has been gazetted.

Across the Shire of Campaspe there are eight signs located generally at the entrances to the municipality, being:

- On the Murray Valley Highway at Gunbower, just south of Shelley's Road, 4km north west of Gunbower
- On the southern side of the Murray Valley Highway at the intersection of Wharparilla Drive, 3km north west of Echuca
- On the southern end of the Echuca Moama Bridge (eastern side) at Echuca
- Two signs at Ayson's Reserve on Burnewang Road, Burnewang. Both are located at the main entrances
- On the Northern Highway at the Shire boundary - between Elmore and Rochester, 6km south of Rochester
- At the Shire boundary on the Midland Highway 200 metres east of Elmore
- On the Northern Highway at the Shire boundary south of Toolleen, north of Hagan's Lane.

The management and operation of the signs has been undertaken by Infrastructure Division in accordance with a service agreement with the Emergency Management department. The agreement requires the signs to be opened and closed within 24 hours of the period being declared or terminated within the Government Gazette.

Discussions with the CFA in 2019/20 outlined that councils are now working within a rate capped environment, meaning less funding is available to deliver core services to our community, meaning there is a greater drive for efficiency across the organisation. CFA is now better funded than previously and has many paid staff and regional offices that support the volunteer network, and community education and awareness activities.

Discretionary tasks such as the opening and closing of these signs has an impact on the delivery of Council's core business. Let alone the repair or replacement of any damaged signs.

Consequently, Council proposed a new arrangement whereby it is no longer responsible for the management and operation of the signs. In support of transition, in 2019/20 the operation of the signs was shared between CFA and Council, with CFA opening the signs and Council closing.

While it is recommended Council no longer support the CFA in the management and operation of the roadside signs. It is acknowledged that Council plays a key role in supporting and increasing community awareness of issues that may impact. Whilst CFA are responsible for informing the community on the risk of fire and needs for permits. Council has a role in supporting the CFA in advocating for appropriate funding for implementation of alternative technologies and means of which to inform the community.

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## 8. Issues and Risk Management

### Issues:

Issue 1: A service continues to be offered by Council, although following the introduction of the fee no applications have been received, Council remains at risk.

Council is not the expert in fire. The CFA are legislatively required to provide the service in accordance with Section 30 of the Act.

### ***Lighting fires in accordance with permit***

(1) *Section 37 does not apply to a person who—*

- a) *sets fire to any grass, stubble, weeds, scrub, undergrowth or other vegetation;*
- b) *lights a fire for the purpose of converting wood into charcoal;*
- c) *lights any other fire—*

on any land in accordance with a written permit obtained from—

- d) *the fire prevention officer of the administrative unit or public authority which manages or controls the land or, when in any instance that fire prevention officer so requests, the Chief Officer; or*

The Act also provides that:

- e) *(where paragraph (d) does not apply) the fire prevention officer of the municipal council in which the land is situated or the Chief Officer.*

Consequently, there is no requirement that Council issue permits, and the CFA is recognised as the primary source for permits

Issue 2: CFA is now better funded than previously and has many paid staff and regional offices that support the volunteer network and community education and awareness activities.

Discretionary tasks such as the opening and closing of signs has an impact on the delivery of Council's core business. Let alone the repair or replacement of any damaged signed, is not Council core business.

There is no legislative responsibility for Council to continue to perform the role.

### **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: Continue a discretionary service

Discretionary tasks such as considering and issuing of Permits to Burn and the opening and closing of the Fire Danger Period in Force signs has an impact on the delivery of Council's core business. An alternative service provider is available in the CFA, which has the demonstrated capacity, capability and expertise along with the legislatively responsibility to provide the service.

This option is not recommended by officers.

### Option 2: No longer provide the discretionary service

CFA is legislatively required to accept and consider applications for a Permit to Burn and inform the community on the risk of fire and needs for permits.

This option is recommended by officers.

## **10. Strategic Planning Environments**

Strong and Engaged Communities	No impact
Resilient Economy	No impact
Healthy Environment	No impact
Balanced Services and Infrastructure	The recommendation supports Strategy 4 Relinquish services and assets that no longer meet community need. Since the introduction of the permit fee no applications have been received. An alternative service provider (CFA) is available and has demonstrated capacity to issue permits.
Responsible Management	No impact

## 11. Consultation

### Internal consultation:

- Manager Community Business (Local Laws); currently has responsibilities for the consideration and issue of permits (if received).
- Works Coordinator; responsible for the operation of the signs and confirmed the impact on the delivery of core Council services.

### External consultation:

- Municipal Fire Management Planning Committee (incorporating the CFA) has been advised of Council's desire to transfer management and operation of the signs to CFA at their meetings in August and October 2019. The committee was not supportive of Council's withdrawal.

## **9.10. Consideration of Options for the Future Management of the Port of Echuca Precinct**

### **Author:**

Declan Moore, Chief Executive Officer

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### **1. Purpose**

To advise Council of a further delay to the presentation of the report commissioned by the Administration to consider the Options for the future management of the Port of Echuca Precinct.

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

#### **That Council:**

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

### **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

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

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

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

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

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

After consideration Council determined:

### *COUNCILLORS PENTREATH/WILSON*

*That Council:*

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

## 7. Content

The CEO appointed Cloudstreet Economics to conduct an independent review of the current management structure, a Not for Profit model as proposed by PPWG, and an arm's length council management model as will soon be provided under the 2020 Local Government Act (i.e. a Beneficial Enterprise).

Structures, business models, staffing requirements, key responsibilities and financial forecasts were all to be addressed in the report, with a focus on the likely 'subsidy' that the operation of each model would leave for the community (Council) to 'pay'.

Dr Cochrane (Director of Cloudstreet Economics) has previously conducted a review of the Paddlesteamer business and was therefore able to easily factor his earlier findings into this new assignment.

A Confidential draft report was circulated to Councillors and Dr Cochrane presented his findings to date, to a recent Briefing Session, during which he advised the need for Council to obtain clarification on several matters before he could proceed with recommending a management model, one that any potential legal, financial or structural issues would have been addressed in his comparison of models.

Clarifications are therefore required, for both the PPWG model and a Beneficial Enterprise, with respect to their:

- legal structure;
- ability to assume Committee of Management responsibility for Crown Land;
- ability to take on their own industrial relations and associated responsibilities;
- compliance with Council obligations (Local Government Act, Policies & Procedures, State reporting etc.);
- liability to indirect taxes (State and Australia) and direct taxes.

While every effort will be made to obtain the clarifications as soon as possible, aiming for the September meeting of Council, a definitive date cannot be provided at this time.

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## 8. Issues and Risk Management

### Issues:

#### Issue 1:

Based on Dr Cochrane's advice, it would be inadvisable for Council to determine a management model until the clarifications described in the report have been provided to him for his consideration in his final analysis of the respective pros/cons of each model.

#### Issue 2:

Potential that members of the EMA, which co-funded the PPWG work with Council, may feel that Council is delaying the inevitable.

Approval to brief Mr Delahunty on those aspects of the draft report that are not confidential, would assist allay, if not entirely dismiss, their concern.

#### Issue 3:

Potential community perception that a 'decision' is merely being deferred.

While understandable, given the period of time over which management of the Port Precinct has been a topic of community discussion over some considerable period of time, the Administration suggests that a further (minor) delay is justified in order that the consultant can provide the best and most up to date advice to Council.

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

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

- Executive Management Group

**Councillors:**

- Councillors at a Briefing session.



## **9.11. Financial Support Measures in Response to COVID-19 Pandemic**

### **Author:**

Fleur Cousins, General Manager Corporate

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### **1. Purpose**

To reaffirm and endorse further financial support measures that respond to the current impact of the COVID-19 (Coronavirus) pandemic.

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

#### **That Council:**

- 1. Note the current delegation provided to the Chief Executive Officer to vary and/or extend the various periods referred to in the resolution of Council made on 21 April 2020 in relation to the report titled 'Financial Support Measures in Response to COVID-19 Pandemic – Part 1'.**
  - 2. Authorise the Chief Executive Officer to continue waiving, on a monthly pro rata basis, the fees related to 2020/21 Public Spaces Trading permits for the display of goods, A frames and footpath trading, if businesses have been impacted by the State Government Restricted Activities direction, until the State Government direction is revoked.**
  - 3. Extend the waiving of interest on any debts incurred by ratepayers experiencing financial hardship since 25 March 2020 until the end of the current financial year 30 June 2021.**
  - 4. Note the Commonwealth Government's announcement of 5 August 2020, that all Victorian centre based childcare enrolments will receive 30 approved absence days in addition to the usual 42 days allocated, which will enable families to utilise available days of absence to hold their child's place at a service, should children be unable to attend the service.**
  - 5. Endorse the following additional support measures for residents, community groups and businesses;**
    - a) Waiving the daily gap fee when allowable absences are being applied for children unable to attend the childcare service (noting that Council will continue to receive the Child Care Subsidy for each day of non-attendance with the Stage 3 restriction period), in accordance with the Commonwealth Government's recommendation.**
    - b) Waiving, on a month by month pro rata basis, the annual site holder fees at the Echuca Holiday Park, until such time as the Stage 3 restricted activities restrictions are revoked.**
    - c) Waiving of ground hire fees calculated for the 20/21 financial year for community groups occupying Council buildings and facilities by way of a User Agreement and impacted by the State Government Restricted Activities direction.**
    - d) Defer the recalculation of utility payments for community groups occupying Council buildings and facilities by way of a User Agreement and impacted by the State Government Restricted Activities direction, until after 30 September 2020.**
    - e) Waiving of annual stadium hire fees for community groups and operators impacted by the State Government Restricted Activities direction for the 2020-21 financial year.**
    - f) Waiving one-half of the annual registration renewals documented in Council's 2020-21 Adopted Budget for the 2021 calendar year, for businesses classed as Food Act premises or businesses registered under the Public Health and Wellbeing Act premises (beauty and accommodation premises).**
-

- g) **Waiving of one-sixth of the caravan park registration fee (a 3-year fee) documented in Council's 2020-21 Adopted Budget.**
  - h) **Waiving, on a month by month basis, the licence fee for Council approved operators under Policy 67 – Port of Echuca Precinct Tourism Ride Operators.**
  - i) **Refund, on a pro rata basis, the annual off street parking permits paid in advance for the period impacted by and at the conclusion of the Stage 3 Stay at Home restrictions.**
  - j) **Adjust the second quarter payment for off-street parking permits, on a pro rata basis for the period impacted by the Stage 3 Stay at Home restrictions.**
6. **Authorise the Chief Executive Officer to vary and/or extend the various periods referred to in recommendation 5 above, should the circumstances warrant such action(s).**

**Cr Mackrell proposed an amendment to the motion to waive timed car parking fees in Echuca during Stage 3 Stay at Home restrictions.**

#### **AMENDMENT**

#### **COUNCILLORS MACKRELL / ZOBEC**

**That Council:**

1. **Note the current delegation provided to the Chief Executive Officer to vary and/or extend the various periods referred to in the resolution of Council made on 21 April 2020 in relation to the report titled 'Financial Support Measures in Response to COVID-19 Pandemic – Part 1'.**
2. **Authorise the Chief Executive Officer to continue waiving, on a monthly pro rata basis, the fees related to 2020/21 Public Spaces Trading permits for the display of goods, A frames and footpath trading, if businesses have been impacted by the State Government Restricted Activities direction, until the State Government direction is revoked.**
3. **Extend the waiving of interest on any debts incurred by ratepayers experiencing financial hardship since 25 March 2020 until the end of the current financial year 30 June 2021.**
4. **Note the Commonwealth Government's announcement of 5 August 2020, that all Victorian centre based childcare enrolments will receive 30 approved absence days in addition to the usual 42 days allocated, which will enable families to utilise available days of absence to hold their child's place at a service, should children be unable to attend the service.**
5. **Endorse the following additional support measures for residents, community groups and businesses;**
  - a) **Waiving the daily gap fee when allowable absences are being applied for children unable to attend the childcare service (noting that Council will continue to receive the Child Care Subsidy for each day of non-attendance with the Stage 3 restriction period), in accordance with the Commonwealth Government's recommendation.**
  - b) **Waiving, on a month by month pro rata basis, the annual site holder fees at the Echuca Holiday Park, until such time as the Stage 3 restricted activities restrictions are revoked.**
  - c) **Waiving of ground hire fees calculated for the 20/21 financial year for community groups occupying Council buildings and facilities by way of a User Agreement and impacted by the State Government Restricted Activities direction.**
  - d) **Defer the recalculation of utility payments for community groups occupying Council buildings and facilities by way of a User Agreement and impacted by the State Government Restricted Activities direction, until after 30 September 2020.**
  - e) **Waiving of annual stadium hire fees for community groups and operators impacted by the State Government Restricted Activities direction for the 2020-21 financial year.**

- f) **Waiving one-half of the annual registration renewals documented in Council's 2020-21 Adopted Budget for the 2021 calendar year, for businesses classed as Food Act premises or businesses registered under the Public Health and Wellbeing Act premises (beauty and accommodation premises).**
  - g) **Waiving of one-sixth of the caravan park registration fee (a 3-year fee) documented in Council's 2020-21 Adopted Budget.**
  - h) **Waiving, on a month by month basis, the licence fee for Council approved operators under Policy 67 – Port of Echuca Precinct Tourism Ride Operators.**
  - i) **Refund, on a pro rata basis, the annual off street parking permits paid in advance for the period impacted by and at the conclusion of the Stage 3 Stay at Home restrictions.**
  - j) **Adjust the second quarter payment for off-street parking permits, on a pro rata basis for the period impacted by the Stage 3 Stay at Home restrictions.**
  - k) **During the period impacted by the Stage 3 Stay at Home restrictions timed car parking fees in Echuca will be waived.**
6. **Authorise the Chief Executive Officer to vary and/or extend the various periods referred to in recommendation 5 above, should the circumstances warrant such action(s).**

**The amendment was PUT to the VOTE and was CARRIED**

**The amendment became the SUBSTANTIVE motion**

**The SUBSTANTIVE MOTION was PUT to the VOTE and was 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 at its meeting held on 21 April 2020, considered two reports and resolved to implement a range of financial support measures in response to the COVID-19 Pandemic for ratepayers, residents, community groups and businesses. The resolutions are as follows:

*Financial Support Measures in Response to COVID-19 Pandemic – Part 1*

*That Council:*

1. *Endorse the following arrangements for ratepayers experiencing financial hardship*
    - a) *Facilitation of payment plans to address individual needs*
-

- b) *Waiving of interest on any debts incurred during the COVID-19 pandemic, commencing 25 March 2020 through to 30 September 2020.*
  - c) *Suspension of any debt collection processes until 30 September 2020.*
2. *Endorse the following financial support measures for residents:*
- d) *Pausing of direct debits for the Echuca War Memorial Aquatic Centre (EWMAC) until the facility reopens and extension of prepaid memberships to honour the number of months impacted by the facility closure or alternatively, on request, a provision of a pro-rata refund from Monday 23 March 2020.*
  - e) *Deferral of enforcement action on unpaid dog and cat registrations until after 30 September 2020.*
  - f) *Waiving of Library Fees, commencing Monday 23 March 2020 for any non-returned materials until 1 month after the Libraries return to full operation.*
  - g) *Refund of all fees paid in advance to hire Council run facilities including the Echuca Wharf and recreation reserves, where an event has been cancelled as a result of the pandemic.*
3. *Endorse the following financial support measures for businesses and community groups:*
- a) *Waiving of monthly commercial property rental payments for businesses or community groups, impacted by the State Government Restricted Activities direction, occupying Council buildings and facilities by way of a lease or licence, commencing Monday 23 March 2020 for 3 months and then on a month by month basis, until the State Government direction to remain closed is revoked.*
  - b) *Waiving of rental payment for businesses, artisans or community groups, impacted by the State Government Restricted Activities direction, occupying Council buildings and facilities by way of a lease or licence, in accordance with Council's Policy 161 – Leases for Community Groups and Artisans, on a pro rata basis for 3 months and then on a month by month basis there after, until the State Government direction to remain closed is revoked.*
  - c) *Deferral of payment for community groups, impacted by the State Government Restricted Activities direction, occupying Council buildings and facilities by way of a User Agreement, until 30 September 2020.*
  - d) *Agreeing to the surrender of any lease or licence, where a business or community group gives notice to do so, without penalty until the 30 September 2020, except where there is an outstanding debt that existed prior to Monday 23 March 2020, which must be paid.*
  - e) *Suspension of any debt collection processes until 30 September 2020.*
4. *Note the action of the Administration waiving the 14 day notice period for the cancellation of any child care attendance at Council run child care centres, since Monday 23 March 2020.*
5. *Encourage ratepayers, residents, community groups and businesses to contact Council should they feel that the above measures do not support their specific circumstances.*
6. *Authorise the Chief Executive Officer to vary and/or extend the various periods referred to in the recommendations (1-4 above) should the circumstances warrant such action(s).*

## **Financial Support Measures in Response to COVID-19 Pandemic – Part 2**

*That Council endorse the waiving, on a monthly pro rata basis, of the fees related to 2020/21 Public Spaces Trading permits for the display of goods, A frames and footpath trading, where businesses have been impacted by the State Government Restricted Activities direction, until the State Government direction is revoked.*

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## **7. Content**

As outlined in the background section, the Chief Executive Officer (CEO) was authorised to vary or extend a number of the financial support measures approved by Council if the circumstances were warranted. With the re-introduction of Stage 3 restrictions for regional Victoria the CEO will determine the variations/extensions to apply to the previous financial support measures and individuals, community groups or business will be advised directly of these variations/extensions.

Council has reviewed the current financial support measures in place and has identified a range of additional measures that will assist with ongoing support to ratepayers, residents, community groups and businesses within the Shire of Campaspe.

To ensure ratepayers are supported, without creating additional financial hardship once the pandemic is resolved, ratepayers are encouraged to enter into a payment plan tailored to specifically meet their individual needs. It is recommended that Council extend the waiving of any interest on debt accumulated during the COVID-19 pandemic, commencing from Wednesday 25 March 2020 from ending on the 30 September 2020 to the 30 June 2021. If any debt is still outstanding on 1 July 2021, Council's Revenue and Debt Collection Policy will apply.

Rates Notices will continue to be issued during this period, to enable ratepayers to keep track of any debt owing and manage their personal circumstances and Council will continue to place a hold on any debt recovery action until the 30 June 2021.

Additional financial support measures have been identified relating to

- childcare services;
- the Echuca Holiday Park annual site holder fees;
- renewal registration fees for food premises, beauty and accommodation premises and caravan parks;
- the hire of grounds and stadiums; and
- off street parking permits.

In establishing these additional measures to support ratepayers, residents, community groups and businesses, Campaspe Shire Council recognises each individual's circumstances will be different. Therefore, while these measures are intended to assist many community members, businesses and sporting groups, if these measures do not provide assistance, individuals are encouraged to contact Council to discuss their specific circumstances.

Council understands that the recovery of communities and the local economy will be a paramount focus when restrictions, imposed to contain the spread of coronavirus, are eased. It is unclear when the recovery phase will commence however Council will consider redirecting identified savings in the 2020-21 financial year to support the recovery phase. When greater certainty around timing and the impacts of the pandemic are known a further report to Council will be presented outlining possible recovery measures.

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

### **Issues:**

The impact of coronavirus on the communities of Campaspe Shire Council and the broader region are as varied as the communities themselves and Council recognises the important role it plays in supporting the community and local businesses through the provision of essential services as well as doing what we can to alleviate some of the financial pressures being experienced.

Council acknowledges that there are still many unknowns, particularly around the length of time these impacts will be experienced to control and manage the spread of coronavirus, and Council will need to play an integral role in the recovery of local communities as restrictions are eased. This may require further measures to be implemented and will be considered as the pandemic progresses.

The financial implications of these additional measures will be captured when a revised budget for 2020/21 is prepared.

### **Risk:**

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

**9. Strategic Planning Environments**

Strong and Engaged Communities      No Impact

Resilient Economy      The financial support measures to be offered by Council in response to the COVID-19 Pandemic, seek to alleviate the financial pressures being experienced by ratepayers, residents, community groups and business as well as contribute to the recovery of the local economy once restrictions are eased.

Healthy Environment      No Impact

Balanced Services and Infrastructure      No Impact

Responsible Management      No Impact

## **9.12. Rochester Community Arts and Culture Strategy and Action Plan**

### **Authors:**

Sam Campi, Manager Community Development

### **Attachments:**

9.12 Rochester Community Arts and Culture Strategy and Action Plan

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### **1. Purpose**

To seek Council endorsement of the proposed Rochester Community Arts and Culture Action Plan. This is in line with the milestone requirements as outlined in Council's agreement with the Australian Government's Department of Agriculture, Water and Environment for its funded project titled Rochester Revitalisation.

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

**That Council endorse the Rochester Community Arts and Culture Action Plan.**

**CARRIED**

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

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

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

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

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

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

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### **6. Background**

In 2019 Council received \$448,000 through the Australian Government's Murray Darling Basin Authority Economic Development program (round 1) which is funded through the Department of Agriculture, Water and Environment (This funding has been previously known as the Murray Darling Basin Funds). This grant funded projects from the Rochester Placed Based Plan, including;

- Natural Play Space
  - Walking Cycling Track
  - Walkway for the All Abilities Canoe Launch at Rochester Holiday Park and
  - Arts and Culture Action Plan for Rochester
-

## Arts and Culture Actions Plan

A number of artistic projects have been facilitated in Rochester over the past two years. These include the Silo Park and Iddles Lane Murals. One of the concerns in the Rochester community identified was the limited access to training and development opportunities available to build the actual capacity of the residents in their artistic and cultural endeavours. This Arts and Culture Action Plan project is focused on delivering a range of artistic based training and development sessions for the Rochester community. It is anticipated that this will enable a growth in the community's skill set and improve social and economic wellbeing.

The projects have been developed after extensive consultation by the community led project team. Over 145 surveys were completed by community groups and individuals. There is an allocation of \$20,000 to deliver the actions within this action plan over the next two financial years.

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

### **Issues:**

#### Issue 1: COVID-19

Due to social distancing restrictions this project has been delayed; the original timeline was to complete the action plan by June 2020.

This potentially may have a longer-term impact on facilitating actions identified within the plan.

### **Risk:**

Risk	Likelihood	Consequence	Rating	Mitigation action
Inability to deliver activities due to ongoing COVID-19 restrictions	Possible	Minor	Low	Identify online communication tools to support ongoing community access to training and development opportunities

## **8. Options**

### Option 1: Endorse the Rochester Community Arts and Culture Plan.

This option is recommended by officers.

### Option 2: Do not endorse the Rochester Community Arts and Culture Plan

By not endorsing this plan Council would fail to meet its funding obligation to the Department of Agriculture, Water and Environment.

This option is not recommended by officers.

## **9. Strategic Planning Environments**

**Strong and Engaged Communities:** In facilitating this process Council is supporting communities with improved access to participate in artistic and cultural opportunities.

**Resilient Economy:** The aim of the plan is to encourage more participation in artistic and cultural endeavour with the view to create new employment and entrepreneurial opportunities in the community.

**Healthy Environment:** No impact.



Balanced Services and Infrastructure: No impact.

Responsible Management: No impact.

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## **10. Consultation**

### Internal consultation:

- Community Engagement Team

### External consultation:

- 145 community members completed surveys.
- The community group managing the project attended 10 different local organisation meetings representing business, sport, social, education and community service
- Received written submissions from Rochester & Elmore District Health Services and Rochester Probus Club
- Consultation with students from Rochester Secondary College

### Councillors:

- 12 November 2019 Briefing session

## **COUNCILLORS MUNRO / VICKERS**

The meeting was recessed at 6:24pm for 5 minutes for a comfort break.

**CARRIED**

## **COUNCILLORS MUNRO / ZOBEC**

The meeting was resumed at 6:31pm

**CARRIED**

### **9.13. Section 86 Committees Transition**

#### **Authors:**

Sam Campi, Manager Community Development

Kerrie Hawkes, Manager Recreation

#### **1. Purpose**

To meet with the legislative requirements of the *Local Government Act 2020*, implement new management arrangements for Council owned facilities currently managed by Section 86 Committees.

#### **2. Recommendation**

That Council:

1. Revoke the deed of delegation for all Council Section 86 Committees of Management by 1 September 2020.
2. Approve the transfer of all funds held as of 31 August 2020 in trust by the Section 86 Committees to the identified entities listed in the table at item three below, for continued management of facilities on behalf of Council.
3. Appoint the following entities through a Management Agreement to administer the identified Council owned facilities, for the period as articulated in the table below in the column titled "Length of agreement".

Section 86 Committee	Entity	Facility	Length of agreement
Campaspe River Reserve Special Committee	TBA	Campaspe River Reserve	TBA
Colbinabbin Town Recreation Reserve Special Committee Colbinabbin Memorial Centre Special Committee	Colbinabbin Town Recreation Reserve Committee of Management Inc.	Colbinabbin Town Recreation Reserve and Colbinabbin Memorial Centre	Four years
Echuca East Recreation Reserve Special Committee	Echuca East Community Committee Inc.	Echuca East Community Reserve	One year
Girgarre Recreation Reserve Special Committee and Girgarre Memorial Hall Special Committee	Girgarre Facilities Committee Inc.	Girgarre Recreation Reserve and Girgarre Memorial Hall and Supper Room	Four years
Koyuga Hall and Recreation Reserve Special Committee	Koyuga Inc.	Koyuga Hall and Recreation Reserve	One year

Northern Oval Recreation Reserve Special Committee	Kyabram Sporting Complex Inc.	Northern Oval Kyabram	Four years
Kyvalley Community Recreation Reserve Special Committee	Kyvalley Progress Association	Kyvalley Hall	Four years
Lockington Recreation Reserve Special Committee	Lockington Recreation Reserve Inc.	Lockington Recreation Reserve	Four years
Lockington and District Community Centre Special Committee	Lockington District Business Centre	Lockington and District Community Centre	Four years
Nanneella Hall and Recreation Reserve Special Committee	Nanneella Community Inc.	Nanneella Hall	Four years
Rochester Racecourse Recreation Reserve Special Committee	Rochester Racecourse Recreation Reserve Inc.	Rochester Racecourse Recreation Reserve	Four years
Rushworth Shire Hall Special Committee	TBA	Rushworth Shire Hall	TBA
Strathallan Hall Special Committee	Strathallan Community Hall Inc.	Strathallan Hall	Four years
Tongala Recreation Reserve Special Committee	Tongala Recreation Reserve Inc.	Tongala Recreation Reserve	Four years

4. That Council manage the facilities in each location should a legal entity not be available to enter into an agreement by 1 September 2020.
5. Offer a Licence agreement for the Kyabram Plaza Theatre located at 243-245 Allan St Kyabram inclusive of all land and building on certificate title Volume 8764, Folio 646 for the term of 364 days, and:
  - a. Approve the transfer of all funds held in trust as of 31 August 2020 by the Section 86 Committee to the Kyabram Plaza Theatre Inc.
6. Enter into a lease agreement with Kyabram Fauna Park Inc. for the portion of the Kyabram Fauna Park land owned by Council for a five year lease term.
7. Progress the closure of the Wyuna Hall and;
  - a. Approve the transfer of all funds held in trust by the former Committee of Management as of 31 August 2020 to the Wyuna Community Committee Inc.
8. Reimburse identified community groups listed in the table at item three above for reasonable costs incurred, including public liability insurance and incorporation fees for the first year in transitioning from a Section 86 Committee to an Incorporated Association.
9. Resume management of the land known as the former Nanneella Recreation Reserve and provide a further report to Council regarding the Reserve's future.
10. Resume management of the land known as the Kyvalley Tennis Club and provide a further report to Council regarding the Reserve's future.

11. Authorise the CEO to enter into Management Agreements with each named entity listed in the table at item three above, and as legal entities are established for Campaspe River Reserve and Rushworth Shire Hall.
12. Authorise the CEO to enter into licence and lease agreements for Kyabram Plaza Theatre Inc. and Kyabram Fauna Park Inc.

### COUNCILLORS NEELE / ZOBEC

#### That Council:

1. Revoke the deed of delegation for all Council Section 86 Committees of Management by 1 September 2020.
2. Approve the transfer of all funds held as of 31 August 2020 in trust by the Section 86 Committees to the identified entities listed in the table at item three below, for continued management of facilities on behalf of Council.
3. Appoint the following entities through a Management Agreement to administer the identified Council owned facilities, for the period as articulated in the table below in the column titled "Length of agreement".

Section 86 Committee	Entity	Facility	Length of agreement
Campaspe River Reserve Special Committee	TBA	Campaspe River Reserve	TBA
Colbinabbin Town Recreation Reserve Special Committee Colbinabbin Memorial Centre Special Committee	Colbinabbin Town Recreation Reserve Committee of Management Inc.	Colbinabbin Town Recreation Reserve and Colbinabbin Memorial Centre	Four years
Echuca East Recreation Reserve Special Committee	Echuca East Community Committee Inc.	Echuca East Community Reserve	One year
Girgarre Recreation Reserve Special Committee and Girgarre Memorial Hall Special Committee	Girgarre Facilities Committee Inc.	Girgarre Recreation Reserve and Girgarre Memorial Hall and Supper Room	Four years
Koyuga Hall and Recreation Reserve Special Committee	Koyuga Inc.	Koyuga Hall and Recreation Reserve	One year
Northern Oval Recreation Reserve Special Committee	Kyabram Sporting Complex Inc.	Northern Oval Kyabram	Four years
Kyvalley Community Recreation Reserve Special Committee	Kyvalley Progress Association	Kyvalley Hall	Four years

<b>Lockington Recreation Reserve Special Committee</b>	<b>Lockington Recreation Reserve Inc.</b>	<b>Lockington Recreation Reserve</b>	<b>Four years</b>
<b>Lockington and District Community Centre Special Committee</b>	<b>Lockington District Business Centre</b>	<b>Lockington and District Community Centre</b>	<b>Four years</b>
<b>Nanneella Hall and Recreation Reserve Special Committee</b>	<b>Nanneella Community Inc.</b>	<b>Nanneella Hall</b>	<b>Four years</b>
<b>Rochester Racecourse Recreation Reserve Special Committee</b>	<b>Rochester Racecourse Recreation Reserve Inc.</b>	<b>Rochester Racecourse Recreation Reserve</b>	<b>Four years</b>
<b>Rushworth Shire Hall Special Committee</b>	<b>TBA</b>	<b>Rushworth Shire Hall</b>	<b>TBA</b>
<b>Strathallan Hall Special Committee</b>	<b>Strathallan Community Hall Inc.</b>	<b>Strathallan Hall</b>	<b>Four years</b>
<b>Tongala Recreation Reserve Special Committee</b>	<b>Tongala Recreation Reserve Inc.</b>	<b>Tongala Recreation Reserve</b>	<b>Four years</b>
<b>Kyvalley Tennis Club</b>	<b>Kyvalley Tennis Club Inc.</b>	<b>Kyvalley Tennis Club</b>	<b>One year</b>
<b>Wyuna Memorial Hall Committee of Management</b>	<b>Wyuna Community Memorial Hall Inc</b>	<b>Wyuna Memorial Hall</b>	<b>One year</b>

4. That Council manage the facilities in each location should a legal entity not be available to enter into an agreement by 1 September 2020.
5. Offer a Licence agreement for the Kyabram Plaza Theatre located at 243-245 Allan St Kyabram inclusive of all land and building on certificate title Volume 8764, Folio 646 for the term of 364 days, and:
  - a. Approve the transfer of all funds held in trust as of 31 August 2020 by the Section 86 Committee to the Kyabram Plaza Theatre Inc.
6. Enter into a lease agreement with Kyabram Fauna Park Inc. for the portion of the Kyabram Fauna Park land owned by Council for a five year lease term.
7. Reimburse identified community groups listed in the table at item three above for all reasonable costs incurred to meet their management agreement obligations including annual recurrent public liability and incorporation fees, for one year, during which period an ongoing annual, set reimbursement figure will be negotiated.
8. Resume management of the land known as the former Nanneella Recreation Reserve and provide a further report to Council regarding the Reserve's future.
9. Authorise the CEO to enter into Management Agreements with each named entity listed in the table at item three above, and as legal entities are established for Campaspe River Reserve and Rushworth Shire Hall.
10. Authorise the CEO to enter into licence and lease agreements for Kyabram Plaza Theatre Inc. and Kyabram Fauna Park Inc.

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**The MOTION was PUT to the vote and was CARRIED**

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**3. Conflict of Interest**

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

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**4. Charter of Human Rights**

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

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**5. Instrument of Delegation**

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

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**6. Background**

In May 2019 officers from the Recreation team briefed Council on a proposal to restructure management arrangements and dispose of identified recreation and open space facilities. At that briefing Council were provided options which included transitioning existing Section 86 committees to incorporated entities.

The implementation of the *Local Government Act 2020* (the Act) has created the opportunity to proceed with the approach outlined in May 2019 with all Council owned facilities managed by a Section 86 committees.

Currently there are 20 Section 86 committees across the Campaspe Shire managing recreation facilities, Places of Assembly (Halls), a Theatre and a Wildlife Park (Kyabram Fauna Park). As per the direction of the State Government all Deeds of Delegation for Section 86 committees will be revoked as of 1 September 2020.

The Act enables Council to develop localised approaches for the management of these facilities. Subsequently, officers in consultation with current Section 86 committees have developed a suite of alternative arrangements.

In June 2020 officers briefed Council about these alternatives, which included:

- Asset Committees
- Management Agreements
- Licence Agreements
- Lease Agreements; and
- Sale of property

It was recommended by officers that the majority of groups be offered a Management Agreement. This provided Council and the committees an opportunity to establish a transition plan that had minimal impact on current operational processes for all stakeholders. It was noted by officers that there are implications for the Section 86 committees to undertake a Management Agreement, these include:

- The requirement for each group to become or be auspiced by a legal entity, in most cases this would be in the form of Incorporated Association.
  - New operational costs incurred through the need for the new entity evolving from the Section 86 committee to hold its own public liability insurance relevant for the management of the facility.
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## 7. Content

Officers from the Recreation and Community Development teams have been consulting and negotiating with the 20 Section 86 committees across the Shire regarding the most appropriate management structure for each site. All committees have been provided an opportunity to review the options available and determine the most suitable structure based upon needs and capacity. The majority of committees are seeking to implement a Management Agreement. The length of time allocated within these agreements has varied.

The sites/facilities that will undertake an alternative arrangement include:

- The *Kyabram Plaza Theatre* committee, who have become incorporated, is seeking a 12-month licence arrangement. This situation has evolved due to the impact of Covid-19, which has seen operations at the site close due to Stage 2 and 3 restrictions were implemented by the Victorian State Government. Once these restrictions are removed, Officers will consult and negotiate with the Kyabram Plaza Theatre Committee a longer-term arrangement that is appropriate for both parties.
- The *Girgarre Community* have made the decision to merge the management of its two community facilities, the Recreation Reserve and the Hall. The community has created a new entity called Girgarre Facilities Committee Inc.
- The *Kyabram Fauna Park* will be transitioned to an Incorporated body and through a negotiation process, the incorporated body will be offered a lease agreement.
- The *Wyuna Hall*, after a review undertaken by the Municipal Building Surveyor, the Wyuna Hall has been deemed unsafe. Officers have communicated this to the current Section 86 Committee. Officers are working through the closure process with the committee, as well as identifying alternate arrangements for future community gatherings through a place-based planning process. It is recommended by officers that the funds held by the Section 86 committee for the Wyuna Hall be transferred to the newly incorporated Wyuna Community Committee.

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## 8. Issues and Risk Management

### Issues:

#### Issue 1: Former Nanneella Recreation Reserve

As per the Council resolution of 16 July 2019, officers have held discussions with the Nanneella Community Incorporated regarding the purchase of the passive recreation space located in Nanneella to the east of the Hall site.

The committee have not committed to a decision regarding the purchase of the land.

Until such time a report is brought to Council regarding the future disposal of this parcel of land, the management will revert to Council.

#### Issue 2: Land known as Kyvalley Tennis Courts

As per Council resolution dated 16 July 2019, officers have held discussion with the Kyvalley Tennis Club regarding the purchase of the land known as Kyvalley Tennis Courts.

While the tennis club have secured funding over a period of years to upgrade the tennis courts and install a shade sail, the tennis club have declined the offer to purchase this parcel of land. These infrastructure items were not identified for renewal or upgrade on the Council asset register and remain the responsibility of the tennis club to repair and maintain.

As this land is to be disposed of "as is", other assets located on the parcel are land are not identified for any future renewal or maintenance works.

Until such time as a report is brought to Council regarding the future disposal of this parcel of land, the management of the facility will revert to Council.

**Issue 3: Unconfirmed management arrangements**

Management arrangements for the Campaspe River Reserve and the Rushworth Shire Hall are yet to be finalised. Consultation has been undertaken between the Section 86 Committees and Council, but due to several circumstances a final in principle arrangement has not been achieved. Officers will continue to work with these groups and support a suitable transition for the management of these facilities.

**Issue 4: COVID -19**

Many facilities, especially the Places of Assembly (Halls), face an uncertain time due to the impact of COVID-19 and the social distancing restrictions imposed by the State government. Many will not be fully operational until the Pandemic has concluded. Management Agreements and the implementation of a one-year licence arrangement for Kyabram Plaza Theatre will enable a simple and cost-effective transition.

**Issue 5: Insurance**

Many Section 86 committees have undertaken the process of becoming an Incorporated Association, enabling the ability to secure a Management Agreement for the facility it has previously managed on behalf of Council for many years. The transition process has required these groups to establish insurance cover which has included Public Liability and Volunteer insurance. Officers have worked with each committee to support this transition.

**Risk:**

Risk	Likelihood	Consequence	Rating	Mitigation action
COVID-19 impacting the use and revenue of facilities in the medium to long term	Almost Certain	Moderate	High	Agreements established between Council and the Community groups managing these facilities are reflective of the financial capacity of each group to successfully manage the various sites.
Ageing committees and their capacity to sustainably manage these facilities in the medium to long term	Almost Certain	Moderate	High	Officers to work with committees to develop transition plans to support longer term sustainability.



## 9. Options

### Option 1: Adopt all recommendations as outlined in this report

The recommendations outlined in this report support Council with its mandated requirements under the Victorian *Local Government Act 2020*. The recommendations are also a clear reflection of the negotiated position between Council and the various community groups that manage Council owned facilities across Campaspe.

This option is recommended by officers.

### Option 2: Do not adopt all recommendations as outlined in this report

By not adopting these recommendations Council will not meet its mandated requirements under the Victorian *Local Government Act 2020*.

This option is not recommended by officers.

## 10. Strategic Planning Environments

Strong and Engaged Communities	These recommendations support fostering stronger long-term partnerships with Communities across the Campaspe Shire Council. This is achieved by developing a sustainable management model for key community infrastructure.
Resilient Economy	No Impact
Healthy Environment	No Impact
Balanced Services and Infrastructure	The recommendations supports an improved structure for the management of key community assets across Campaspe.
Responsible Management	Through the management arrangements established through the recommendations, Community and Council will benefit financially long term.

## 11. Consultation

### Internal consultation:

- Executive Management Group
- Recreation
- Community Development
- Governance
- Property
- Building and Maintenance
- Parks and Gardens

External consultation:

## Section 86 Committees for:

- Campaspe River Reserve Special Committee
- Colbinabbin Memorial Centre Special Committee
- Colbinabbin Recreation Reserve Special Committee
- Echuca East Recreation Reserve Special Committee
- Girgarre Recreation Reserve Special Committee
- Girgarre Memorial Hall Special Committee
- Koyuga Hall and Recreation Reserve Special Committee
- Kyabram Fauna Park
- Kyabram Plaza Theatre Special Committee
- Kyabram Northern Oval Special Committee
- Kyvalley Community Recreation Reserve Special Committee
- Lockington Recreation Reserve Special Committee
- Lockington and District Community Centre Special Committee
- Nanneella Hall and Recreation Reserve Special Committee
- Rochester Racecourse Recreation Reserve Special Committee
- Rushworth Shire Hall Special Committee
- Strathallan Hall Special Committee
- Tongala Recreation Reserve Special Committee
- Wyuna Hall Special Committee

Councillors:

- 19 May 2019 Council Briefing Session
- 9 June 2020 Council Briefing Session
- 7 July 2020 Council Briefing session
- 11 August 2020 Council Briefing Session.

## **9.14. Local Roads and Community Infrastructure Program**

### **Author:**

Jason Deller, General Manager Infrastructure

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### **1. Purpose**

To seek Council endorsement of the projects to be submitted for funding consideration under the Local Roads and Community Infrastructure Program.

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### **2. COUNCILLORS WILSON / ZOBEC**

**That Council support the projects identified for consideration in the Local Roads and Community Infrastructure Program and their priority as described within the report.**

### **CARRIED**

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

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

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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**

On 22 May 2020 the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program).

This program will support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Campaspe Shire Council has been allocated \$2,622,795 through the program to spend in the 2020/21 financial year.

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### **7. Content**

The LRCI Program provides stimulus funding to councils in order to deliver local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.

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Eligible local road projects could include works involving any of the following associated with a road:

- bridge or tunnel
- facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station)
- facilities off the road that support the visitor economy
- road and sidewalk maintenance, where additional to normal capital works schedules
- street lighting equipment
- traffic control equipment
- traffic signs.

Eligible community infrastructure projects could include works involving:

- bicycle and walking paths
- closed circuit TV
- improved accessibility of community facilities and areas
- landscaping improvements, such as tree planting and beautification of roundabouts
- noise and vibration mitigation measures
- painting or improvements to community facilities
- picnic shelters or barbeque facilities at community parks
- playgrounds and skateparks (including all ability playgrounds)
- off-road car parks
- repairing and replacing fencing.

A full list of projects will be undertaken in priority order to the amount specified in the following table.

Description	Amount
<p>1. Shire gravel road stabilising including stabilising agent and mass action shoulder grading:</p> <p><b>Stabilising</b></p> <p>1.1. Homan Street, Echuca            1.2. Redman Street, Echua            1.3. Anderson Road, Echcua            1.4. Davis Road-Patho Station Road, Patho            1.5. Yambuna Bridge Road, Yumbuna</p> <p><b>Shoulders</b></p> <p>1.6. Roslynmead Road, Roslynmead            1.7. Stratton Road, Echuca West            1.8. Pianta Road, Wharparilla            1.9. Wharparilla Road, Echuca West            1.10. Geodetic Road North, Mathieson            1.11. Singer Road, Lockington            1.12. Johnson Road, Stanhope            1.13. Winter Road, Nanneella</p>	<p>\$ 1,532,795</p>

Description	Amount
2. New and upgrade culverts 2.1. School Road, Corop 2.2. Tait Hamilton Road, Cornella and Gobarup 2.3. Kennedy Road, Gobarup 2.4. Sayers Lane, Rushworth 2.5. Cohen Street, Rochester 2.6. High Street, Rochester 2.7. McEwen Road, Rushworth	\$ 210,000
3. Street trees 3.1. Guided by the draft Urban Tree Management Plan	\$ 80,000
4. Line marking 'wide streets' 4.1. Edward Street, Rochester 4.2. Dawes Road, Kyabram 4.3. Edis Street, Kyabram 4.4. Saunders Street, Kyabram 4.5. Haslem Street, Kyabram 4.6. Darling Street, Echuca 4.7. Eyre Street, Echuca (remaining sections) 4.8. Haverfield Street, Echuca 4.9. Service Street, Echuca 4.10. Hopwood Street, Echuca 4.11. Goulburn Road, Echuca 4.12. Francis Street, Echuca 4.13. McKinley Street, Echuca 4.14. Minor Street, Echuca 4.15. Elizabeth Street, Echuca 4.16. Hare Street, Echuca 4.17. Butcher Street, Echuca	\$ 150,000
5. Collins Street upgrade, Colbinabbin	\$ 250,000
6. Shire wide, footpath 'missing links' <b>Echuca</b> 6.1. Crossen Street: Ogilvie Avenue to Elizabeth Street (West) 6.2. Elizabeth Street: Murray Valley Highway to Adelaide Crescent (South) 6.3. Elizabeth Street: Murray Valley Highway to Adelaide Crescent (South) 6.4. Elizabeth Street: Adelaide Cres west entrance to Adelaide Cres east entrance (South) 6.5. Elizabeth Street: Adelaide Crescent to Crossen Street (South) 6.6. Elizabeth Street: Crossen Street to existing footpath (South) 6.7. Elizabeth Street: Shackell Street to Campaspe Esplanade (South) <b>Tongala</b> 6.8. Gooda Street: Torney Street to St James Street (South) 6.9. Gooda Street: Garrett Street to Purdey Street (South) <b>Girgarre</b> 6.10. Church Street: School Road to Dickman Street (West) 6.11. Dickman Street: Church Street to Wallace Street (South)	\$300,000

Description	Amount
<b>Rushworth</b>	
6.12. Southam Street: Hume Street to Reed Street (East)	
7. Shared path lighting, Echuca	\$100,000

When selecting the proposed projects, the following factors were considered:

- Works additional to the pre-COVID-19 program for 2020-21
- Brought forward projects or programs
- Trial pavement stabilisation high priority
- Mass action shoulder grading
- Priority given to those that require little to no design
- Distribution around the Shire.

All project works must be completed by 30 June 2021 and must be additional to the pre-COVID-19 work program.

## 8. Issues and Risk Management

### Issues:

The wide range of funding and stimulus packages from state and federal government could impact on delivery of the overall capital works program.

### 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	Appropriate selection of infrastructure projects to benefit from this funding supports the strategic management of assets and delivery of projects to meet community need
Responsible Management	No impact.

## 10. Consultation

### Internal consultation:

- Service Managers

## **9.15. Echuca Aerodrome Level of Service and Concept Plan**

### **Author:**

Richard Conway, Manager Assets

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### **1. Purpose**

To adopt a forward program of works for the Echuca Aerodrome, which will guide future investment and funding decisions.

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

#### **That Council:**

- 1. Resolve to undertake Runway, Apron, Taxiway and associated infrastructure improvements at the Echuca Aerodrome, which has a concept estimate of \$3,618,000.**
- 2. Adopt the Echuca Aerodrome works in 10 year capital works plan, with the design in 2021/22 and construction in 2022/23.**

#### **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 Charter of Human Rights

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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**

#### **6.1 The Aerodrome**

The scope of work for the Echuca Aerodrome was discussed in the July 2020 Council meeting however the decision on the precise scope was held over. As the July 2020 report presented was wide ranging the plan for this report is to not repeat sections related to the development but focus solely on the infrastructure.

It was resolved at the July 2020 Council meeting to continue the registered status for the Echuca Aerodrome and for staff to apply for grants for infrastructure improvements for delivery in 2021/22 financial year.

#### **a. How the Aerodrome is used and what the Aerodrome needs to remain relevant**

The biggest individual users of the site by air movement are the Royal Flying Doctor Service and Air Ambulance, operating some 310 people movements per year.

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The nine private hangar owners operate an unknown number of movements.

There are also flight training, charters, minor freight, aerial surveying and event flying operations.

The runway and taxiways are, in many places, not fit for the aircraft that are landing on it now. Staff are obliged to inspect the site every time an overweight/overmass landing takes place and this is now an almost daily occurrence. This is an operational overhead that adds to the cost of operating this asset, from which Council currently derives no income.

Both the RFDS and Air Ambulance have advised that are transitioning to new aircraft that will not be able to land on the aerodrome in its current dimensions, an extra 150 metres of runway is 'required'. When extending a runway, it is also necessary to increase or amend lighting, safe run off areas, taxiways, drainage and boundary markers.

As runways are designed to withstand much higher mass impacts than a road with a tyre pressure of a landing plane at 730kpa/105psi weighing up to 7,500kg falling at 30 metres a second. The cost of the engineering works is substantially greater than any road and so any investment is at least an order of magnitude higher.

For the Aerodrome to remain operable the needs of these new aircraft, infrastructure upgrades need to be taken into account. It is expected that these new aircraft will be in service within 2 years.

#### **b. The options**

There are three options.

Option 1: Do nothing. This option has no additional cost, other than the overhead of constant inspections and minimal maintenance. It continues the risk of runway or taxiway failure from an overmass landing. The aerodrome would soon be unusable by general aviation other than light aircraft.

Council would continue to operate the aerodrome for the term that it remains practically safe to do so. Once a failure occurs that closes it, or the new class of aircraft that require the extra runway and taxiways, either the entire asset or the services supplied by it would need to close. This may mean limiting to only light aircraft.

Option 2: Is to do the minimum treatment to reinforce the runway and associated infrastructure to serve those aircraft currently using the Aerodrome. The concept estimate is approximately \$1,950,000. Under the conditions of the Regional Airports Program, external grant funding is doubtful.

The lifespan or return on investment for this option is also very short. Runways can be expected to last 40 years. If the aeromedical fleet is replaced within two years, this would mean a cost of \$1.95M depreciated at a rate of 50%. It is not a value for money option. Should this option be adopted, Council policies on Sustainable Asset Management and Asset Rationalisation indicate it would be appropriate to consider alternative ownership or lease options to remove the ongoing demand for renewal and operation.

State and Federal funders may not find this option attractive as the community benefit is removed in a very short time. As such this option likely ends up being solely at Council's cost.

Option 3: Invest in renewal of the assets to manage the expected traffic load with larger vehicles. Estimated \$3,618,500 cost with the highest opportunity for grant support.

The upgrade would include extending the length and width of the runway, taxiways, aprons and associated infrastructure to manage the new fleet of aircraft under order for the Aeromedical services. The long term nature of this option makes it the most likely to gain State and Federal funding support. Should Council be successful in sourcing all the available grant funding maybe possible for up two thirds of the cost. So, it is possible to see \$3.6M of investment for a Council cost of \$1.2M to maintain the current and future services. Even if funding for only 50% of the cost is acquired, the cost to Council would be less than option 2 and the outcome would be better for users, Council and the community.



**c. Table of options**

Option 1: No action	Option 2: General Aviation	Option 3: Long term Aeromedical
\$0 capital \$25,000 maintenance per annum escalating until terminal failure.  No capital improvements of any kind and maintain the infrastructure as is until failure occurs.	<b>\$1,500,000 (Pavement urgent work bare minimum required)</b> \$ 50,000 (Terminal Apron Lighting) \$400,000 (Terminal Apron)	<b>\$2,500,000 (Pavement urgent work bare minimum required)</b> includes (Runway extension) includes (Runway widening) \$87,500 (Taxiway widening) \$400,000 (Apron extension) \$406,000 (Lighting) \$200,000 (Drainage) \$25,000 (Medical shelter) \$248,500 (Helipad)
<b><u>Total cost</u></b>	<b>\$ 1,950,000</b>	<b>\$ 3,618,500</b>
Funding to be provided by Council under the Regional Airports Program.  The Aerodrome must remain registered to apply.	<b>\$ 643,500</b>	<b>\$ 1,194,105</b>

**6.5 Council policy**

Council has a policy of user pays when a defined base of consumers can be identified and there is no wider community benefit. In this case there is both a community and specific user base. Aeromedical services are supplied to all who need them while the hangar owners form the most obvious private beneficiaries of the site.

To recover a portion of funds for the ongoing operation of the aerodrome it would be appropriate to investigate the installation of an air movement charging system. This allows a fee to be applied to people who land or take off at the site. It would not cover the cost of operating the asset but would contribute operational cost recovery.

A common charge per landing is \$10 per movement. The benefit, above financial, of this system is it allows Council to understand the true use of the site by all parties and is effectively a traffic counter. This information is needed when planning for future capacity or for seeking grants.

Council Policy 118 notes that assets are not automatically replaced at the end of their useful life. Operationally and Asset Condition wise, the Aerodrome is close to that point. Triggers for renewal listed in the policy and the position of the Aerodrome are below.

- a. Assets that do not provide, or are not required to provide, a minimum level of service.

The Aeromedical flights have a minimum required level of service that is changing and needs assets that meet them.

- b. Assets that are beyond Council's reasonable financial capacity to maintain or renew.

Council may consider the investment required, even with grant support, is beyond its reasonable capacity at which point divesting ownership would be the first option to investigate.

- c. Critical or statutory services will be prioritised over optional or tertiary services.

For Council the Aerodrome is an optional service.

- d. Assets delivering a service that have a finite need for the future.

Air transport will not doubt change and at present aerodromes are investigating unmanned flights, cargo to door deliveries and other technologies. However Aerodromes are still required going forward.

- e. Alternative methods of delivery for the service is available for the service the asset provides.

At this time Aerodromes are the ongoing method of delivery for the services at the site.

- f. Assets for which the long term provision of a service the asset is related to is unlikely to last the term of the renewed asset. Hurdle rate is 90% of the asset life.

A renewed runway would have a life of up to 40 years, with 90% being 36 years. As best as can be forecast, an aerodrome of this kind is expected to be necessary for 36 years. While the technology may change there is no evidence that there is global move from Aerodrome use especially for Aeromedical use in regional areas.

Based on the above, Policy 118 would indicate that renewal is necessary although a change in ownership may be a way forward if available. This can be reviewed at a future time.

## 7. Issues and Risk Management

### Issues:

Nil

### Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
<p>Do Nothing/Maintenance only:</p> <p>An incident at the airfield because of asset failure. The runways and taxiways are being overloaded by up to 400% of design capacity.</p>	<p>High</p> <p>Council knows the users are overloading the runway. Aeromedical overload up to 400% and operate almost daily.</p>	<p>Extreme</p> <p>In the case of an air incident</p>	<p>High</p>	<p>Either resolve to upgrade the assets to meet the traffic demand or limit traffic movements.</p> <p>Inspections are done to ensure the aerodrome is fit for use however this is a post landing event and can only identify when a failure has happened.</p>
<p>Pavement remediation only:</p> <p>The aerodrome is not fit for use by increasing amounts of traffic as users move to heavier and longer aircraft.</p>	<p>High</p> <p>Air Ambulance and RFDS are already advising Council their new fleet requires 150m more runway.</p>	<p>High</p> <p>Some services will not be able to be supplied at the Echuca Aerodrome.</p>	<p>High</p> <p>There will be pressure to make changes to the operation as the aerodromes social value becomes more marginal. Impact on patient care.</p>	<p>Engage in the extension of the runway and associated infrastructure option.</p> <p>In the alternate consider investigating the option of finding another owner who will take on the asset and</p>

				make the changes necessary. (Noting that the ownership issue is complex, and success is not guaranteed.)
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## 8. Options

### Option 1: Resolve undertake Runway, Apron and the taxiway and associated infrastructure improvements at a concept estimate \$3,618,000

This option provides the renewal of the Aerodrome to meet the long term needs of the site. This option has the highest possibility of success in gaining a grant and follows best practice asset management by planning to deliver an asset that is usable by the most people over the longest time.

This option is recommended by officers with the design in 2021/22 and construction in 2022/23 and included in the 10 year capital works plan.

### Option 2: Resolve to remediate the pavement of the Aerodrome to meet current users only

This option provides the renewal of the Aerodrome to meet the current operations only. Once the Aeromedical operators move to their heavier vehicles the aerodrome will no longer meet their needs. This is expected to be within 2 years. This option has a marginal opportunity for grant funding as governments look to invest in long term solutions as they do with bridges and other assets. This option has a higher cost than the option below but will eventually have the same result as far as aeromedical services and the community as a whole are concerned.

This option is not recommended by officers.

### Option 3: Maintain as is

This sees Council only fund maintenance and not improve the dimensions or mass capacity of the aerodrome at all. Once a failure occurs that closes the aerodrome to aeromedical, or possibly all traffic, it will require renewal. Within two years, regardless of if there is a failure or not, the asset will not be fit for use by aeromedical services.

This option is not recommended by officers.

## 9. Strategic Planning Environments

Strong and Engaged Communities	No Impact
Resilient Economy	No Impact
Balanced Services and Infrastructure	The recommended option balances the needs of the community with the cost to Council and allows for some grant contribution to the capital expenses.
Responsible Management	The recommended option improves the safety and robustness of the Aerodrome while planning for the immediate and foreseeable future.

## 10. Consultation

### Internal consultation:

- Executive Management Group
- Project Management Unit
- Assets Department
- Manager Assets
- Property Manager
- Risk officer
- Aerodrome Manager
- General Manager Infrastructure

### External consultation:

- CASA qualified Aerodrome planner
- Geotechnical engineers.

### Councillors

- 7 July 2020 Council Briefing Session.

## **9.16. Adoption of the Ten Year Capital Works Program**

### **Author:**

Sarah Butterworth, Capital Works Coordinator

### **Responsible Manager:**

General Manager Infrastructure

### **Attachments:**

9.16 Ten Year Capital Works Program New Funding for Works ending 30 June 2030

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### **1. Purpose**

To provide Council with the final version of the Ten Year Capital Works Program for adoption with effect from 2020/21 financial year.

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### **2. COUNCILLORS WILSON / PANKHURST**

**That Council adopt the Ten Year Capital Works Program for Works ending 30 June 2030.**

### **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 accordance with Section 91 of the *Local Government Act 2020*, Councils are required to develop a ten year financial plan including a Ten Year Capital Works Program.

A Ten Year Capital Works Program has been developed by the Manager Assets and Capital Works Coordinator based on available asset condition data and existing long term plans. It has been reviewed by relevant service managers.

## 7. Content

Council has been previously briefed on a Ten Year Capital Works Program at the July 2020 Council meeting. Following this meeting, the draft Ten Year Capital Works Program was subject to further review by service managers and some amendments made.

Key changes to the plan include:

- Removal of duplicate works when superseded by a revised program of work (e.g. Civic Offices, Echuca East Jack O Neil Pavilion, Star hotel, Kyabram Plaza Theatre)
- Removal of assets no longer owned or managed by Council or due for retirement (e.g. Strathallan Hall)
- Merger of some works due to sections originally being planned for completion in separate years (e.g. Tongala Eddie Hann Drive kerb and channel). As part of the ongoing review and further refinement of the plan by service managers, more works are likely to be combined depending on physical condition and locations.
- Inclusion of additional works (e.g. ICT, Murray River Mooring Points, Canoe Platform)
- Inclusion of annual design and approval allocation for kerb & channel projects
- Indication of the separate design and approval allocations.

Additional changes to timing (project phasing) were made to ensure a better distribution of funds across the ten years. This ‘smoothing’ is guided by asset condition and maintenance requirements and our ability to deliver the Program. Other changes to the previous version were; addressing naming conventions and inclusion of projects associated with the Local Roads and Community Infrastructure Program.

Graph 1 shows the proposed Ten Year Capital Works Program with the colour coding highlighting the asset groups. Currently the estimate of the total program is approximately \$245M. It is evident that the 2021/22 financial year has the biggest budget estimate in the Program. This is due to large projects such as Echuca East Community Precinct (approximately \$5M), Taylors Creek Bridge Renewal (approximately \$2M), Rushworth to Murchison Trail (approximately \$1.8M) and the Axedale-Toolleen Road widening (approximately \$1.7M).

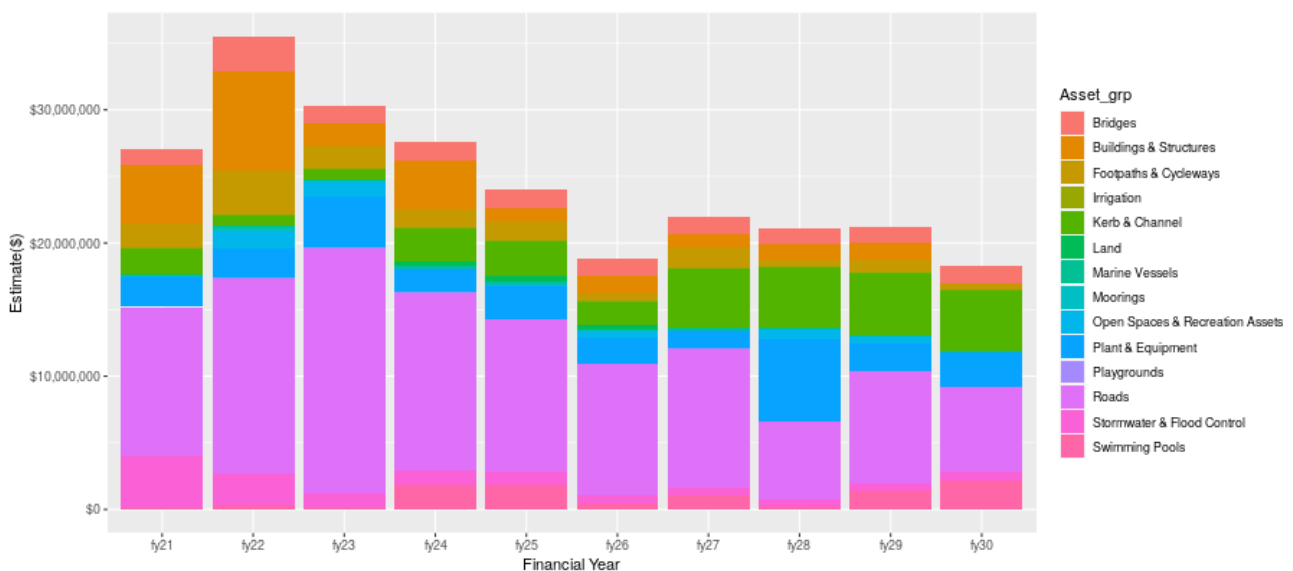
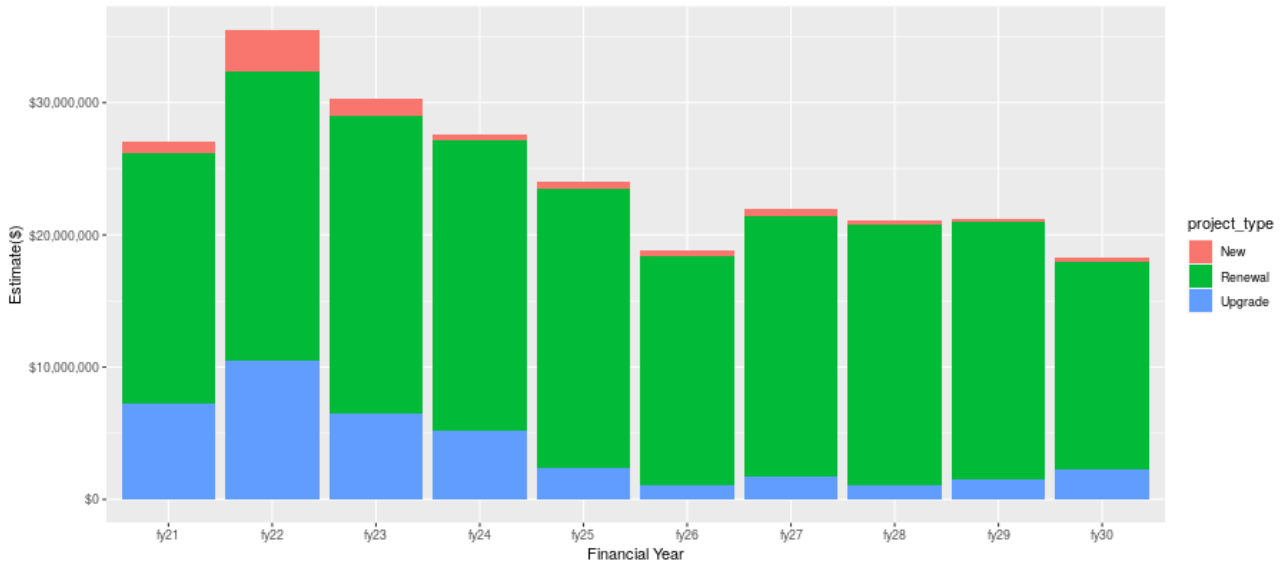


table	
Estimate Total	- \$245,884,333
Number of Projects	: 712
Maximum Project Cost	: \$5,019,228
Average Project Cost	: \$345,343
Median Project Cost	: \$67,305

**Graph 1: Ten Year Program by Asset Group**

It is also quite clear that the last five years of the Program, 2025/26 to 2029/30 are lower in value to the each of the first five years of the Program. This is due to maturity of the asset data along with feasibility estimates based on unit rates. The Assets Unit continues to provide analysis, with the Roads Services Unit providing technical input along with other service units, which will improve data maturity.

Graph 2 shows the proposed Ten Year Capital Works Program by the project type of New, Renewal or Upgrade.



**Graph 2: Ten Year Program by Project Type**

This is the first version of the Ten Year Capital Program and each year, aligning with the annual budget process, will be subject to further refinement and review by the relevant service managers and asset owners as our data matures.

It is also important to note that in the months following the Council election a comprehensive consultation process will be undertaken on the level of service provided by Council, this may result in changes to projects, priorities and/or timeframes, should Council approve them.

The Ten Year Capital Works Program for Works ending 30 June 2030 is attached for adoption by Council.

**8. Risk Management**

Issues:

Stimulus packages from state and federal government will impact on the overall capital works program.

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	Development of the Ten Year Capital Works Program supports strategic management of assets and delivery of projects to meet community need.
Responsible Management	Development of the Ten Year Capital Works Program supports Council's obligations under the Local Government Act 2020 and provides for robust and transparent financial management.

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## **10. Consultation**

### Internal consultation:

- Service Managers
- Executive Management Group
- Strategic Assets Unit
- Road Services Unit

### Councillors:

- 2 June 2020 Council Briefing Session
- 21 July 2020 Council meeting.



## **10. Council Information**

### **10.1 Letters of Appreciation**

The following have been received:

- Glanville Village residents – thank you to Nerida Dye, Library Services for the wonderful “Library Smiles” wellbeing kits. They are a fabulous idea and gratefully accepted.

#### **COUNCILLORS MUNRO / VICKERS**

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

**CARRIED**

## **10.2. Responsive Grants Program**

### **Author:**

Bobbi Aitken, Executive Assistant Community

### **Responsible Manager:**

General Manager Community

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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 MUNRO / NEELE**

**That Council note the following grant has been approved in accordance with the Responsive Grants Program guidelines and criteria and applicant advised in writing:**

- **Echuca Neighbourhood House Inc – towards the cost of fabric and elastic for the 'Mask the Spread' project, \$500.**

#### **CARRIED**

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

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

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

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

---

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

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

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#### **6. Background**

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

This month, the following applications have been received:

Organisation	Amount	Amount Recommended	Purpose	Comment
Echuca Neighbourhood House Inc	\$1,000	\$500	To assist with the purchase of fabric, elastic, packaging and advertising for the 'Mask the Spread' project	Approved by CEO For the purchase of fabric and elastic for face masks only. Advertising in the local paper should be a free community announcement. Not funded by Council.

<b>Fund Balance Prior to application approval:</b>	\$25,000
<b>Funding approved:</b>	\$500
<b>2020/2021 Fund Balance: (18 August 2020)</b>	\$24,500

## 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

Assessment of this application was completed by the Executive Assistant Community, Community Programs Officer, Capital Works Coordinator, Recreation Coordinator and Environment Project Officer – Conservation.

### **10.3. Council Plan Initiatives Quarter 4 Update**

**Author:**

Andrew Cowin, Manager Governance and Strategy

**Attachments:**

10.3 Council Plan Initiatives Quarter 4 Update

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**1. Purpose**

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

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**2. COUNCILLORS PENTREATH / PANKHURST**

**That Council note the progress and achievement of 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*.

---

**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 2008* 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 fourth and final report of initiatives funded under the 2019/20 budget.

Of the initiatives funded in the 2019/20 Program Budget, the following were reported as completed in quarters 1, 2 and 3. As they were completed in quarters 1, 2 and 3 they will not be displayed as part of the final status report.

### **Quarter 1 – Completed Initiatives**

#### **Strong and Engaged Communities**

- We will fund the construction of the Kyabram Breen Avenue walking track - (construction not delivered).

#### **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.

### **Quarter 2 – Completed Initiatives**

Nil

### **Quarter 3 – Completed Initiatives**

#### **Resilient Economy**

- We will renew the animal pen soft flooring within the Echuca and District Livestock Exchange.

---

## **7. Content**

Starting with 26 initiatives 21 initiatives remain, of these:

- 1 has not started,
- 14 are in progress,
- 6 are completed.

Progress in relation to the implementation of the initiatives are reported to Council and the community quarterly.

This report is the final report of initiatives funded under the 2019/20 budget.

---

## **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.

The delivery of the remaining initiatives may be impacted as a consequence of the COVID-19 pandemic.

**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**

**Internal 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.

## **10.4. Statutory Requirements Update**

### **Author:**

Andrew Cowin, Manager Governance and Strategy

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### **1. Purpose**

To provide Council with the fourth and final progress update on compliance with statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020*.

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### **2. COUNCILLORS PENTREATH / WILSON**

**That Council note progress and achievements against the statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020* in 2019/20.**

### **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.

---

### **6. Background**

Councils are governed by the requirements of the *Local Government Act 1989*, the *Local Government Act 2020* 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.

---

### **7. Content**

In the period April to June 2020 the following was achieved:

- Adopt the budget for 2020-21 (s.127 (1) and (130) of the *Local Government Act 1989*)
  - Declare rates and charges for 2020-21 (s.158, s.159, s.162, s.163 of the *Local Government Act 1989*)
  - Adopt the Strategic Resource Plan for 2020-21 (s.126 (3) of the *Local Government Act 1989*)
  - Adoption of Chief Executive Officer Employment and Remuneration Policy (s.45(1) of the *Local Government Act 2020*)
-

## 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. Options

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

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## 10. Strategic Planning Environments

Strong and Engaged Communities	No impact.
Resilient Economy	No impact.
Healthy Environment	No impact.
Balanced Services and Infrastructure	No impact.
Responsible Management	This report supports the implementation of the following strategic objectives:  Support clear and open communication  Deliver sound governance and fiscal responsibility



## **10.5. Capital Works Program Update – 2019/20 Quarter 4**

**Author:**

Sarah Butterworth, Capital Works Coordinator

**Responsible Manager:**

General Manager Infrastructure

**Attachments:**

10.5.1 Capital Works Program Q4 2019/20 Dashboard Report June 2020

10.5.2 Capital Works Program Q4 2019/20 Project Status Report June 2020

---

**1. Purpose**

To provide Council with an update on the progress of the annual Capital Works Program as at 30 June 2020.

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**2. COUNCILLORS PANKHURST / ZOBEC**

**That Council note the contents of the report.**

**CARRIED**

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**3. Conflict of Interest**

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

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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**

This report provides a summary of Capital Works delivery during the 2019/20 financial year. Refer also to the attached Capital Works Program Q4 2019/20 Dashboard Report June 2020 and Capital Works Program Q4 2019/20 Project Status Report June 2020.

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**7. Content**

The 2019/20 financial year saw 131 live projects on the Capital Works Program with a total budget of \$39.19m. Total spend at 30 June 2020 was \$24.66m. At the end of June \$6.6m was committed to be spent.

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Project delivery is summarised as follows:

Practically complete projects	89
Cancelled projects	6
Carried over projects	29
Multi Year projects (practical completion expected 2020/21)	7
<b>Grand Total</b>	<b>131</b>
Total expected to reach practical completion in 2019/20	124
Number of practically complete projects	89
	<b>72%</b>

Attachment 10.5.1 Capital Works Program Q4 2019/20 Dashboard Report June 2020 provides a summary of the overall spend for the year by asset group, the breakdown of projects in each phase and those that will carry over to the 2020/21 financial year.

Attachment 10.5.2 Capital Works Program Q4 2019/20 Project Status Report June 2020 provides further detail of individual project performance in terms of time, budget and scope. In summary:

- 82% of projects were delivered within budget.
- 78% of projects were delivered within scope.
- 52% of projects were delivered to time.

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## 8. Issues and Risk Management

### Issues:

A number of issues impacted the successful and timely delivery of the annual capital works program:

- Technical expertise across some asset classes resulted in project scope issues. This caused delays to delivery and/or inaccurate cost estimates. Performance in this area has improved on the 2018/19 financial year results, however a lack of specialist knowledge in house specifically for bridge and drainage asset groups presents challenges.
- Delivery of the program is historically based on design and construction being completed in the same financial year. This has resulted in most construction activity taking place in the second half of the year which impacted on scheduling of internal works and external procurement activities.

It also means any issues in terms of cost estimates are not identified until later in the financial year causing further delays due to having to source additional funding. Improvements have been made this financial year with more advance design works being completed and the development of the 10 Year Capital Plan allowing better clarity of projects and scheduling.

In the 2020/21 Capital Plan projects are delivered over multiple years so that design and approvals can be completed in the first year, and construction in subsequent years.

**Risk:**

Risk	Likelihood	Consequence	Rating	Mitigation action
Non delivery of adopted program resulting in reputational damage and council assets not being renewed in a timely manner.	Likely	Major	High	<p>Ongoing monitoring and monthly reporting to EMG of at risk projects.</p> <p>Weekly reviews by the General Manager Infrastructure of all projects and expenditure against project timelines.</p> <p>Transitioning to projects, where feasible, being delivered over multiple years with design/approvals in year 1 and construction in year 2.</p>

**9. Strategic Planning Environments**

Strong and Engaged Communities	No impact
Resilient Economy	No impact
Healthy Environment	No impact
Balanced Services and Infrastructure	Delivery of the capital works program contributes towards Council's objective to manage and maintain assets to optimise their lifecycle
Responsible Management	Development of the capital works program and ongoing delivery of projects within the program involve engaging and consulting with the community and strengthening relationships with partners. The project delivery process ensures the program is delivered with clear governance and project financial control.

**10. Consultation**Internal consultation:

- Executive Management Group
- Relevant project sponsors

Councillors:

- 18 August 2020 Council Briefing Session.

## 11. Councillor Reports

Cr Adrian Weston	
27 July	Senator Bridge McKenzie COVID-19 Cross Border Teleconference
28 July	Girgarre Development Committee Meeting
1 August	Waranga Trail Meeting
5 August	Senior Combined Partners Meeting
10 August	Wendy Lovell MP Meeting
13 August	Rural & Regional Land Use Strategy - Joint Meeting with the Shires of Moira & Campaspe

Cr Daniel Mackrell	
31 July	Councillor Advisory Network Meeting

Cr Kristen Munro	
27 July	CCLLEN Meeting

Cr Vicki Neele	
22 July	Echuca Moama and District Tourism Association Board Meetings
17 August	Kyabram Development Committee Meeting

Cr Neil Pankhurst	
12 August	Conversation 26 - A Conversation for Regional Australia about COVID-19
13 August	Rural & Regional Land Use Strategy - Joint Meeting with the Shires of Moira & Campaspe

Cr Leanne Pentreath	
31 July	Councillor Advisory Network Meeting
7 August	EMFM Radio

Cr Annie Vickers	
31 July	MAV Rural North Central Meeting
6 August	IMEMPC Meeting

Cr Leigh Wilson	
23 July	GVWRRG Meeting
7 August	EMFM Radio

Cr John Zobec	
13 August	Rural & Regional Land Use Strategy - Joint Meeting with the Shires of Moira & Campaspe

### COUNCILLORS WILSON / MUNRO

**That the Councillor Reports be noted.**

**CARRIED**

## 12. Chief Executive Officer's Report

Since the last Council Meeting 21 July 2020, the CEO's main focus continues to be dominated by the response to Covid-19 with teleconferences and web meetings such as:

- Ongoing Business Continuity Meetings
- Ongoing Border Issues Briefings: Cross Border Commissioners
- Ongoing Loddon Campaspe CEO Covid-19 issues meetings
- DHHS – Rapid Regional Response Briefing
- Echuca Moama Community Leaders Covid-19 check-in
- Murray River Group of Councils CEO meeting
- Meeting with Mayor and Wendy Lovell MP
- MAV Stand for Council Community & Candidate Session
- Meeting with Mayor and Minister for Local Government, Shaun Leane MP
- Loddon Campaspe Regional Partnerships meeting

### **COUNCILLORS MUNRO / NEELE**

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

**CARRIED**

## 13. Petitions and Letters

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

COUNCILLORS PANKHURST / VICKERS

I move that the petition received from Max Prendergast requesting the rear access to Illawarra Drive and Wallinga Court be retained be tabled and referred to the CEO for a report to be prepared for consideration by Council.

CARRIED

## 14. Notices of Motion

## 15. Urgent Business

## 16. Confidential Business

### Confidential Business– Close

COUNCILLORS MUNRO / WILSON

That pursuant to the provisions of the *Local Government Act 2020* (the Act), the meeting will now be closed to members of the public at 7:33pm in accordance with section 66(2)(a) of the Act to enable the meeting to consider four reports that contain confidential information as defined in section 3(1) of the Act as follows:

### 16.1. Disposal of Former Council Depot, Colbinabbin

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

This report discloses information on confidential discussions within Council and prospective purchasers and proposed recommendations of a commercial land sale.

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

This report relies on a former Council decision made in confidential meeting closed to the public 21 April 2020.

### **16.2. Luth Street Echuca Land Sale Section 223 Submission**

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

This report discloses information on confidential discussions within Council.

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

This report relies on a former Council decision made in confidential meeting closed to the public April 2020.

### **16.3. Part of Echuca Aerodrome Land Sale - Boundary Realignment**

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

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

### **16.4. Sale of Former Lane Alfred Crescent, Lockington**

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

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

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

This report may cause speculation on the nature of future use or availability and purchase price affecting land and adjoining properties in similar situations.

### **16.5. C20021 – Supply of a Fuel Card Solution**

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

This report details confidential information regarding the supplier contracts held with both Procurement Australia and the MAV.

CARRIED

**COUNCILLORS VICKERS / MUNRO**

The meeting be recessed at 7:35pm for a comfort break for 5 minutes

**CARRIED**

**COUNCILLORS VICKERS / WILSON**

The meeting resumed at 7:43pm

**CARRIED**

**Confidential Business - Open**

**COUNCILLORS VICKERS / MUNRO**

That Council, having considered all items of confidential business in accordance with section 66(2) of the *Local Government Act 2020*, open the meeting to the public at 8:21pm

**CARRIED**

## **17. Close Meeting**

There being no further business, the meeting concluded at 8:21pm.



.....  
**CR ADRIAN WESTON**

**MAYOR**