



Council Minutes



Date: 20 July 2022

Time: 6:00 pm

Venue: Echuca Civic Centre

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Minutes of the open section of the eighth Campaspe Shire Council meeting held on Wednesday 20 July 2022, commencing at 6:00 pm at the Council Chambers, Echuca Civic Centre.

Present

Councillors

Cr Colleen Gates (Chair)
Cr Robert Amos
Cr Paul Jarman
Cr Daniel Mackrell
Cr Leanne Pentreath
Cr Adrian Weston
Cr John Zobec

Officers

Tim Tamlin - Interim Chief Executive Officer
Paul McKenzie - General Manager Development
Keith Oberin - General Manager Community
Darryl Hancock - Manager Governance
Annette Waters - Governance Officer
Rebecca Jones - Governance Officer

1 Apologies and Requests for Leave of Absences

1.1 Apologies

Cr Weller

Cr Marwood due to a leave of absence.

Moved by Cr Weston

Seconded by Cr Zobec

That the apologies be accepted

CARRIED

1.2 Leave of Absence

Nil.

2 Confirmation of Minutes

Moved by Cr Amos

Seconded by Cr Mackrell

That the following minutes be confirmed:

- **Campaspe Council Meeting held on 15 June 2022.**
- **Unscheduled Campaspe Council Meeting held on 22 June 2022.**

CARRIED

3 Changes to the Order of Business

Nil.

4 Declarations of Conflict of Interest

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

Cr Weston declared a conflict of interest in Item 9.4 by way of a general conflict of interest.

5 Responsible Authority Decisions

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

Nil.

6 Planning Authority Decisions

Planning Authority – Defined under Section 12 of the *Planning & Environment Act 1987*. Responsible for implementing the objectives of planning in Victoria and reviewing and preparing amendments to a planning scheme.

Nil.

7 Question Time

Nil.

8 Acknowledgements / Councillor Reports

Nil.

9 Council Decisions

9.1 Environment Strategy - Endorsement for Consultation

Author	Department	Manager	General Manager
Environmental Project Officer - Conservation	Assets	Manager Assets	General Manager Infrastructure

The draft Environment Strategy 2022-2026 will guide Council in setting environmental policies and determining roles, responsibilities, and priorities for implementation. It is important the community is consulted during the development of the Environment Strategy 2022-2026.

Moved by Cr Weston

Seconded by Cr Amos

That Council:

- 1. Endorse the Draft Environment Strategy 2022-2026 for consultation purposes**
- 2. Consider all feedback made by the public or partners on the Draft Environment Strategy**
- 3. Consider adoption of the Environment Strategy following consideration of feedback received at a future meeting of Council Meeting.**

CARRIED

Extension of time requested by Cr Zobec.

Moved by Cr Zobec

Seconded by Cr Weston

That an extension of time be granted to Cr Zobec.

CARRIED

9.2 Kindergarten Leases

Author	Department	Manager	General Manager
Manager Community Health	Community Health	Manager Community Health	General Manager Development

Council's policy 161 - Leases for Local Community Organisations and Artisans sets out the eligibility criteria for entering a community lease on a Council owned facility. This policy has recently been reviewed and one of the eligibility criteria, the annual turnover threshold, has been reduced to \$500,000 inc. GST per annum for community organisations. An unintended consequence of this threshold and its reduction is that funded, not-for-profit kindergarten providers whose turnover exceeds the threshold of the policy will no longer be eligible to enter community leases when current agreements expire, or when these providers seek a new lease on a Council owned facility.

Not-for-profit kindergarten providers of scale typically cross-subsidise the operations of smaller, less viable services, which ensures equity of access to services particularly in regional and rural areas such as Campaspe. Where these services do not have additional income generating potential on site to supplement operations (i.e. provision of centre based care), proposing a commercial lease would have a significant financial impact on the provider's ability to continue to be able to maintain service delivery, especially in smaller rural locations.

Moved by Cr Pentreath

Seconded by Cr Jarman

That Council:

1. **Note the content of agenda report 15.2 of the 11 November 2014 Campaspe Shire Council meeting, specifically that:**

“The second stage of transition would see a focus upon the infrastructure associated with the preschools. This would include the development of community leases for the preschool facilities which although at a peppercorn rate would include the cluster manager meeting the building insurance and Fire Service Levy costs incurred by Council as is Council policy. In the medium to long term, these costs would be reduced as preschools became community owned assets or, if services were co-located with school facilities and were disposed of.”

2. **Approve the waiver of the annual turnover threshold of policy 161 for Shine Bright Early Years management and other like not-for-profit kindergarten providers who exceed the threshold, where these providers are delivering funded three and four year old kindergarten programs only from Council-owned sites.**

CARRIED

9.3 Gender Equality Action Plan

Author	Department	Manager	General Manager
Manager Human Resources	Human Resources	Manager Human Resources	General Manager Corporate

This report presents Council's Gender Equality Action Plan (the Plan) and seeks Council's endorsement of the Plan. The plan has been reviewed by the Commission for Gender Equality in the Public Sector (the Commission) and Council has received notification from the Commission that it meets the requirements of the Gender Equality Act 2020 and has received approval to publish the Plan on Council's website.

While the Plan meets the legislative requirements of the Gender Equality Act 2020, the Plan also demonstrates Council's commitment and support for action to address Gender Equality both within the organisation and the broader community.

Moved by Cr Pentreath

Seconded by Cr Mackrell

That Council:

- 1. Endorse the Gender Equality Action Plan 2022-2025, appended as Attachment 9.4.1.**
- 2. Note receipt of the assessment from the Commission of Gender Equality in the Public Sector confirming Council's Gender Equality Action Plan 2022-2025 meets the requirements of the Gender Equality Act 2020.**
- 3. Note that a report monitoring progress of the actions within the Gender Equality Action Plan 2022-25 will be presented to Council on an annual basis.**

CARRIED

Cr Weston declared a conflict of interest in item 9.4 and left the Council Chamber at 6:28pm

9.4 Coliban & Goulburn Broken Strategic Directions Statements

Author	Department	Manager	General Manager
Environmental Project Officer - Conservation	Assets	Manager Assets	

Integrated Water Management (IWM) is a collaborative approach to planning and management of all elements of the water cycle to maximise economic, social and environmental benefits. Campaspe Shire Council is a member of two IWM forums, Coliban and Goulburn Broken, as the shire is located across two catchments.

Since the Coliban and Goulburn Broken IWM Forums have been operating for four years, with many of the original IWM opportunities completed, each Strategic Directions Statement (SDS) has been refreshed. The final draft of both the Coliban and Goulburn Broken SDS have been released for partner organisations to approve. In the case of Campaspe Shire Council this approval includes the use of the Shire's logo on the documents. Both SDS include project opportunities which may benefit the Shire of Campaspe.

Moved by Cr Pentreath

Seconded by Cr Amos

That Council note:

1. **The final draft of Coliban IWM Strategic Directions Statement and Goulburn Broken IWM Strategic Directions Statement.**

That Council approve:

2. **The use of Campaspe Shire Council logo on the final publication of the Coliban IWM Strategic Directions Statement and Goulburn Broken IWM Strategic Directions Statement.**

CARRIED

Cr Weston re-entered the Council Chamber at 6:33pm

9.5 General Local Law No. 9

Author	Department	Manager	General Manager
Manager Community Business	Community Business	Manager Community Business	General Manager Community

This report seeks adoption of the General Local Law No.9 2022 in accordance with section 74 of the Local Government Act 2020.

The General Local Law No.9 2022 is a local law made under Part 3, Division 3 of the Local Government Act 2020, and section 42 of the Domestic Animals Act 1994.

Local laws seek to regulate matters relating to public safety and amenity, the objectives of the local law are to provide for:

- (a) the peace, order, and good governance of the municipal district;
- (b) a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- (c) the safe and equitable use and enjoyment of public places and council land;
- (d) the protection and enhancement of the amenity and environment of the municipal district;
- (e) the fair and reasonable use and enjoyment of private land; and
- (f) the uniform and fair administration of this Local Law.

Moved by Cr Mackrell

Seconded by Cr Weston

That Council

- 1. Note the Draft General Local Law No.9 2022 was exhibited in accordance with the section 73 of the Local Government Act 2020.**
- 2. Note that 6 submissions were received in response to the exhibition of the Draft Local Law No. 9 2022. Of those submissions received none requested to be heard at a Council meeting. All submitters were responded to in writing.**
- 3. Note that five of the submissions were in relation to the normal operations of Council and one submission was in relation to Clause 37 of the Local Law - Caravans and Camping on Private Land. This submission has been considered in the preparation of the General Local Law No. 9 2022.**
- 4. Revoke the General Local Law No.8 2015**
- 5. Adopt the General Local Law No.9 2022, as attached to this report, with the following amendments**
 - 1. Replace current clause 63(1)**
 - **Council delegates to its Chief Executive Officer and to all authorised officers the power to.**

with

 - **Council delegates to its Chief Executive Officer the power to:**
 - 2. and include clause 63(2)**

- The Chief Executive Officer may delegate to a member of Council staff any power delegated to the Chief Executive Officer under subclause (1).
6. Publish a notice stating that the General Local Law No.9 has been adopted and including the following:
 - a) The title of the local law; and
 - b) The objectives of the local law; and
 - c) The effect of the local law; and
 - d) That a copy of the local law is available for inspection
 - i) At the Council's offices; and
 - ii) On the Council's internet site.
 7. Place a notice in the Victorian Government Gazette
 8. Provide the Local Government Minister, The Hon. Melissa Horne, a copy of the adopted General Local Law No.9 2022.

CARRIED

9.6 Policy 170 - Chief Executive Officer, Councillor and Staff Interaction

Author	Department	Manager	General Manager
Manager Governance	Governance & Strategy	Manager Governance	

Interaction between the Councillors, CEO and Council staff is critical to achieve a high performing and functioning Council. This ensures that the Councillors are provided with timely and accurate information to enable good decision making when representing the interests of the community. To obtain the appropriate information in a timely manner, the Councillors are required to communicate with not only the CEO, but members of Council staff as well.

In communicating with Council staff, Councillors must maintain compliance with the provisions of the Local Government Act 2020, particularly with regards to sections 123 and 124 of the Local Government Act 2020 (Act).

This policy provides guidance to both Councillors and member of Council staff in appropriate communication to allow for performance of their duties as established by the Act.

Moved by Cr Amos

Seconded by Cr Pentreath

That Council adopt Council Policy 170 - Chief Executive Officer, Councillor and Staff Interaction.

CARRIED

10 Council Information

10.1 Notes of Appreciation

- Aileen & John Killip – PS Pevensy Cruise *“My husband and I had the pleasure of cruising with Adam today on the Pevensy. He was a great source of information and made us feel welcome in the cabin.”*

All the displays and audios were very impressive and I'll be telling everyone that stands still long enough, “go to Echuca and get on the Murray!”

- Karl Devlin, Girgarre - *“I would just like to say what a fantastic job your man does maintaining the road entrances to Girgarre and Stanhope, from my observations very hard working and obviously takes pride in his work. Not knowing this person, I just thought he deserves some recognition for a job well done.”*

- David Parker, Stanhope – compliment to Mark Miller, who takes care of the Stanhope township Parks & Gardens.

“Mark is always polite, hardworking and conscientious from my observations. He makes every effort to keep the area tidy and well kept.”

Marks work and effort he puts in is greatly appreciated.

Moved by Cr Weston

Seconded by Cr Mackrell

That Council acknowledge the notes of appreciation as listed.

CARRIED

10.2 Responsive Grants Program

Author	Department	Manager	General Manager
Community Executive Assistant	Community		General Manager Community

That Council note one successful application to the Responsive Grants Program.

Moved by Cr Jarman

Seconded by Cr Amos

That Council;

1. Note that the following application was approved in accordance with the Responsive Grants Program criteria:

- **Rotary Club of Rochester Inc. – to assist with fuel costs to transport donated goods to Evans Head for flood victims, \$500**

CARRIED

10.3 Community Event Sponsorship

Author	Department	Manager	General Manager
Community Executive Assistant	Community		General Manager Community

That Council note the two successful applications received for Community Event Sponsorship.

Moved by Cr Pentreath

Seconded by Cr Mackrell

It is recommended that Council note the following sponsorships were approved, in accordance with the Community Event Sponsorship criteria, and the applicants advised in writing:

- **Kyabram RV Country Music Festival (Kyabram Development Committee Inc.) - \$3,000 to assist with hosting the 2022 Kyabram RV Country Music Festival to be held from 2 – 6 November 2022,**
- **Aldara Yenara Aboriginal Corporation., \$1,000 to assist with costs associated with hosting the Kyabram NAIDOC Family Day to be held on 4 July 2022.**
- **Kyabram Tastes & Tunes (Kyabram Development Committee Inc.) - \$3,000 cash and up to \$3,000 in-kind support (waste & traffic management, temporary white picket fencing, bunting, tally counters, headsets, and synthetic grass) to support Kyabram Tastes and Tunes to be held on 22 October 2022.**

CARRIED

11 Petitions and Letters

Petition received from Anne Meade.

Request the Campaspe Shire Council to improve drainage and bitumen the south end of Francis Street, Rochester. Recent increase of traffic has caused additional wear and tear and created significant increase in dust. This section of Francis Street is the only remaining urban south of Kyabram Road.

Moved by Cr Jarman

Seconded by Cr Weston

I move that the petition received from Anne Meade in relation to Francis Street, Rochester be noted and referred to the CEO for consideration.

CARRIED

12 Notices of Motion

Nil.

13 Urgent Business

Nil.

14 Confidential Business

Closure of Public Meeting – 6:50pm

Moved by Cr Amos

Seconded by Cr Weston

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public in accordance with section 66(2)(a) of the Act to enable consideration to be given to items that contain confidential information as defined in section 3(1) of the Act as follows:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- h) Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
- i) Internal arbitration information, being information specified in section 145.
- j) Councillor Conduct Panel confidential information, being information specified in section 169.
- k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

CARRIED

Resumption of Public Meeting

At 7:07pm the Council Meeting resumed in Open Session.

14.1 Sale of Land - Property address correction

1. Approve the removal from Council's public roads register part of the Bradley Street laneway, Kyabram as depicted in the plan attached at 14.1.1. The portion of land is not reasonably required for general public use in accordance with Section 17 (4) of the Road Management Act 2004.
2. Commence the statutory procedures to discontinue and sell a 144m² portion of land as depicted in the plan attached at 14.1.1 and known as part of Bradley Street laneway Kyabram, to the adjoining owner.
3. Give public notice of the proposed discontinuance and sale pursuant to Section 223 of the Local Government Act 1989 in respect of the proposal to discontinue and Section 114 of the Local Government Act 2020 in respect of the proposal to sell the land; and
 - a) Publish a notice in the Victoria Government Gazette pursuant to clause 3 (a) Schedule 10 of the Local Government Act 1989 and;
 - b) Sell the land to Snodad Pty Ltd as trustees for J.L. McIlroy Family Trust for the consideration of \$14,300 inclusive of GST.

14.2 Sale of Land - Property address correction

2. Subject to the requirements of the Local Government Act determine to sell the land being Lot 1 on proposed plan of subdivision PS827036S, comprised in Certificate of Title Volume 11549 Folio 506 known as the Corner of Wilkinson Drive and Coliban Street, Echuca, to Sandhurst Catholic Early Childhood Education and Care (SCECEC) for the sum of \$104 under the following conditions:
 - That prior to any sale SCECEC must obtain a planning permit for the construction and operation of an Integrated Early Years Hub comprising of the following minimum requirements:
 - 66 places of funded four-year old kindergarten
 - 22 places of funded three-year old kindergarten
 - Outdoor space in accordance with National Law and Regulations
 - Accommodation of Council's Maternal and Child Health Services (Access to 3 consultation rooms and waiting area)
 - Allied Health consulting room/s
 - Meeting Room
 - Staff room and facilities
3. Note that the CEO will provide the SCECEC, upon request, a letter of approval to make a planning permit application for the construction and operation of an Integrated Early Years Hub known as the Corner of Wilkinson Drive and Coliban Street, Echuca that comprises the above components at a minimum
4. Note that the subject land is yet to be subdivided into two equal portions but that the portion this matter relates to is the half which fronts Wilkinson Drive
5. Determines to make an allocation of \$695,000 to the Recreation Land Reserve to ensure the developer's contribution to recreation land in the west of Echuca is maintained
6. Resolve, pursuant to section 125(2) of the Local Government Act 2020, that the confidential information should only be publicly available for the limited purpose of

communicating the effect of this Resolution, and then only to the extent necessary to give effect to it; and

7. Authorise the Chief Executive Officer to communicate the effect of this Resolution to the extent necessary to give effect to it.

15 Close Meeting

There being no further business, the Deputy Mayor closed the meeting at 7:08pm.

.....
CR COLLEEN GATES
DEPUTY MAYOR