



# Council Minutes



**Date:** 15 September 2021

**Time:** 6:00 pm

**Venue:** Virtual

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## **Present**

### **Councillors**

Cr Christine Weller - Mayor  
Cr Robert Amos  
Cr Colleen Gates  
Cr Paul Jarman  
Cr Daniel Mackrell  
Cr Anthony Marwood  
Cr Leanne Pentreath  
Cr Adrian Weston  
Cr John Zobec

### **Officers**

Declan Moore - Chief Executive Officer  
Fleur Cousins - General Manager Corporate  
Jason Deller - General Manager Infrastructure  
Keith Oberin - General Manager Community  
Andrew Fletcher – A/General Manager Development  
Andrew Cowin - Manager Governance and Strategy  
Deidre Madill - Governance Adviser  
Rebecca Jones - Governance Officer

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

### **1.1 Apologies**

Nil.

### **1.2 Leave of Absence**

Nil.

## **2 Confirmation of Minutes**

Moved by Cr Amos

Seconded by Cr Zobec

That the Minutes of the Campaspe Council meeting held on 18 August 2021 be confirmed.

**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 Jarman declared a material conflict of interest due to private interests in item 9.4.**

**Cr Mackrell declared a material conflict of interest due to private interests in item 9.4.**

**Cr Jarman declared a material conflict of interest due to private interests in item 9.5.**

**Cr Jarman declared a material conflict of interest due to private interests in item 16.7.**

## **5 Responsible Authority Decisions**

Nil.

## **6 Planning Authority Decisions**

Nil.

## **7 Question Time**

Nil.

## **8 Acknowledgements**

Nil.

## 9 Council Decisions

### 9.1 Endorsement 20/21 Financial Statements

Author	Department	Manager	General Manager
Manager Finance	Finance	Manager Finance	General Manager Corporate

Council is required to produce financial statements and a performance statement at the end of the reporting period, 30 June, which are reviewed by the Audit and Risk Committee and recommended to Council to adopt in principle pending final review by the Victorian Auditor General's Office.

The statements are attached (Attachment 1 and Attachment 2) and reflect the appropriate financial position of Council.

**Moved by Cr Pentreath**

**Seconded by Cr Amos**

**That Council:**

- 1. Approve 'in principle' the financial statements and performance statement for the period ended 30 June 2021, appended as Attachment 1 and Attachment 2.**
- 2. Authorise the Manager Finance (Principal Accounting Officer) to make changes to the Financial Statements and Performance Statement as may be determined by the Victorian Auditor General's Office and that any material amendments be made in consultation with the Chief Executive Officer and Chair of the Audit and Risk Committee.**
- 3. Be notified of any material amendments if they are made, as soon as possible.**
- 4. Authorise the Mayor, Cr Chrissy Weller, and Cr Amos to sign the annual financial statements and performance statement on behalf of Council.**

**CARRIED**

### 9.2 Audit and Risk Committee Annual Report

Author	Department	Manager	General Manager
General Manager Corporate	Corporate		

The Audit and Risk Committee supports Council in discharging its governance oversight responsibility including financial management, risk management, fraud prevention, maintenance of a sound internal control environment and the assurance activities through internal and external audit.

The Audit and Risk Committee (Committee) reports to Council twice per year under its Charter that was adopted by Council in July 2020. This Charter aligns with the requirements of the Local Government Act 2020.

The attached annual report, prepared by the Chair of the Committee, reports on the activities undertaken by the Committee against the key responsibility areas defined in their Charter.

**Moved by Cr Amos**

**Seconded by Cr Marwood**

**That Council:**

1. **Note the Annual Report 2020-21 from the Audit and Risk Committee at Attachment 1.**
2. **Acknowledge and thank the independent committee members for their commitment and contribution provided to the Audit and Risk Committee over the past 12 months.**

**CARRIED**

### **9.3 2021 Financial Assistance Measures - Part 1**

<b>Author</b>	<b>Department</b>	<b>Manager</b>	<b>General Manager</b>
General Manager Corporate			General Manager Corporate

The ongoing impacts of the COVID-19 pandemic are being experienced by all businesses, agencies and individuals. The impacts are also being experienced in different ways depending on individual circumstances and eligibility for the range of support measures provided by the State and Federal Governments. This report seeks to outline financial assistance measures to be offered by Campaspe Shire Council in support of individuals, businesses, community groups and agencies within the municipality.

**Moved by Cr Gates**

**Seconded by Cr Mackrell**

**That Council:**

- 1) **Endorse the following financial assistance measures for ratepayers:**
  - a) **Waiving of interest on any rates debt for the period 1 July 2021 to 30 June 2022.**
  - b) **Facilitation of payment plan arrangements, on the request of a ratepayer, that responds to their individual needs and circumstances.**
- 2) **Endorse the following financial support measures for individuals:**
  - a) **Refund of all fees paid in advance to hire Council facilities, including the Wharf, Pop Up Park and recreation reserves, if an event has been cancelled as a result of the State Government Directions.**
  - b) **Credit annual site holders at the Echuca Holiday Park, for the periods that travel restrictions have applied to the annual site holder's ordinary place of residence, once travel restrictions are revoked.**
  - c) **Waive parent/guardian gap fees for those not permitted to attend the Campaspe Community Children's Centre and the Rochester and District Child Care Centre for the duration the State Government restricts access to these services.**
  - d) **The extension of all items on loan from library services until the service is permitted to open and waive overdue return fees for one month after the service is permitted to re-open.**

- e) Pausing of direct debits for the Echuca War Memorial Aquatic Centre (EWMAC) during periods the facility is closed.
- 3) Endorse the following financial support measures for businesses and community groups:
    - a) Reduce the registration fees for premises registered under the Public Health and Wellbeing Act 2008 by 1/5 of the fee adopted by Council in the 2021/22 Budget.
    - b) Refund, on a pro rata basis, the annual or quarterly off-street parking permits paid in advance, for businesses that have been closed as a result of the State Government Directions, on application by the business and only if evidence of the business closure can be provided.
    - c) Recalculate user fees for the 2021/22 year, for community groups occupying Council recreation reserve buildings and facilities by way of a User Agreement and who have been previously impacted by the State Government Directions, basing the calculation on the 2019 year data (last year not impacted by the pandemic) and applying a reduction based on the impact of the State Government Directions.
  - 4) Note that all fees and charges incurred prior to 16 July 2021, remain outstanding and are due and payable to Council in accordance with previous resolutions of Council.
  - 5) Encourage individuals, businesses and community groups to contact Council should they feel that the support measures provided by Council do not support their specific circumstances.

**CARRIED**

**Cr Mackrell declared a conflict of interest in item 9.4 and left the virtual meeting at 6.18 pm**

**Cr Jarman declared a conflict of interest in items 9.4 and 9.5 and left the virtual meeting at 6.18 pm**

## **9.4 2021 Financial Assistance Measures - Part 2**

<b>Author</b>	<b>Department</b>	<b>Manager</b>	<b>General Manager</b>
General Manager Corporate			General Manager Corporate

The ongoing impacts of the COVID-19 pandemic are being experienced by all businesses, agencies and individuals. The impacts are also being experienced in different ways depending on individual circumstances and eligibility for the range of support measures provided by the State and Federal Governments.

This report seeks to outline financial assistance measures to be offered by Campaspe Shire Council in support of businesses and community groups within the municipality.

**Moved by Cr Pentreath**

**Seconded by Cr Gates**

**That Council:**

1. Endorse the following financial support measures for businesses and community groups:
  - a) Waive monthly retail commercial property rental payments for businesses, impacted by the State Government Restricted Activities Directions, occupying Council buildings and facilities by way of a lease or licence, commencing 16 July 2021 until the State Government direction to remain closed is revoked and then commencing a phased discount to rentals for the three months ensuing, based on the following schedule:

- a. 50% monthly rental reduction for the first month following the State Government directions allowing businesses to open.
  - b. 25% monthly rental reduction for the second month following the State Government directions allowing businesses to open.
  - c. 10% monthly rental reduction for the third month following the State Government directions allowing businesses to open.
  - d. 0% rental reduction commencing from the fourth month following the State Government directions allowing businesses to open.
- b) Defer property rental payments for community groups and artisans, impacted by the State Government Restricted Activities Directions, occupying Council buildings and facilities by way of a lease, licence or user agreement, commencing 16 July 2021, until three months after the State Government Directions to remain closed is revoked.
  - c) Agree to the surrender of any lease or licence, if a business, community group or artisan gives notice to do so, without penalty until the 30 November 2021, except when there is an outstanding debt that existed prior to 16 July 2021, which must be paid.
  - d) Facilitate the entering of a payment plan arrangement, on the request of the tenant, for the payment of rent over the current term of the lease / licence.
  - e) Reduce the 2021/22 Public Spaces Trading permits for the display of goods, A frames and footpath trading by ¼ of the fee adopted by Council in the 2021/22 Budget.
2. Note that all fees and charges incurred prior to the 16 July 2021, remain outstanding and are due and payable to Council in accordance with previous resolutions of Council.

**CARRIED**

Cr Mackrell re-entered the virtual meeting at 6.22 pm

## **9.5 Port of Echuca Beneficial Enterprise Implementation**

<b>Author</b>	<b>Department</b>	<b>Manager</b>	<b>General Manager</b>
CEO	Office of the CEO		Chief Executive Officer

In April 2021, Council considered an update on the progress to date, by Cloudstreet Economics, on several reports focused on the Port of Echuca and adopted 'in principle' the Port of Echuca Precinct Integrated Manager Model (Beneficial Enterprise) as the preferred future management model for the Precinct as well as authorised the CEO to commence investigation of any outstanding matters supporting the implementation of the Integrated Manager Model.

This update presents the Beneficial Enterprise Structure Implementation Plan and Key Principles of Initial Transition that outline responsibilities and obligations of Council and the Beneficial Enterprise in relation to the completion of Transition Planning required (up to 30 June 2022) to support the completion of a transfer of Business Activities to the Beneficial Enterprise on 1 July 2022.

An addition, this report seeks Council approval to direct the CEO to commence the implementation and initial transition of the Beneficial Enterprise, including registration and commencement of the recruitment process for the Board of Management in line with Dr David Cochrane's report.

**Moved by Cr Amos**

**Seconded by Cr Pentreath**

**That Council:**



1. **Adopt the Beneficial Enterprise Structure Implementation Plan and Key Principles of Initial Transition attached.**
2. **Direct the Chief Executive Officer to commence implementation of a Beneficial Enterprise approach to the management of the Port Precinct consistent with the Beneficial Enterprise Structure Implementation Plan and Key Principles of Initial Transition, including commencement of the recruitment process for the Board of Management.**
3. **Approve the name of the Beneficial Enterprise for Registration purposes to be ‘Campaspe Port Enterprise’ and direct the Chief Executive Officer to complete the registration process.**
4. **Approve a selection panel for the recruitment of Board Directors comprising Cr Tony Marwood, the Chief Executive Officer, Mr Michael Delahunty and a suitably qualified nominee of the Board of the Bendigo Trust, or similar.**

**CARRIED**

Cr Jarman re-entered the virtual meeting at 6.31 pm

## **9.6 Policy 075 Fraud Review**

<b>Author</b>	<b>Department</b>	<b>Manager</b>	<b>General Manager</b>
Manager Governance & Strategy	Governance & Strategy		Chief Executive Officer

The Independent Broad-based Anti-Corruption Commission notes that corruption in local government can lead to increased costs and reduction in economic growth, diminished trust in councils and jeopardise the delivery of valuable programs and services.

Policy 075 – Fraud outlines Council commitment to the prevention, deterrence, detection, investigation and follow up of all forms of fraud and to establish processes to prevent fraud and corrupt conduct.

**Moved by Cr Marwood**

**Seconded by Cr Weston**

**That Council adopt the revised Council Policy 075 – Fraud.**

**CARRIED**

## **9.7 Level of Service - Gravel Road Maintenance**

<b>Author</b>	<b>Department</b>	<b>Manager</b>	<b>General Manager</b>
Manager Assets	Assets	Manager Assets	General Manager Infrastructure

The wet conditions experienced across the municipality are not suitable for maintenance grading works and has resulted in lost time for this activity. As a result, there has been an increasing backlog of roads with defects contributing to the likelihood that Council will not meet its commitments under the Road Management Plan (RMP).

Maintenance grading crews are currently working to complete overdue defects as a priority, however, with continual wet and unsuitable conditions they are gradually falling further behind.

At the same time, defects are increasing due to the wet conditions.

Approximately 101 defects are listed for repair in August, with 60 listed in September.

There is a risk that the continual growing backlog of gravel roads requiring maintenance could threaten our obligations under the RMP.

**Moved by Cr Zobec**

**Seconded by Cr Marwood**

**That Council:**

- 1. Allocate \$205,000 for the purpose of catch up road maintenance works to be funded from operational budget savings and / or the Accumulated Unallocated Cash Reserve.**
- 2. Receive a business case for consideration in the next budget for an additional annual allocation for contracts, or an employed team and equipment for road maintenance works.**

**CARRIED**

## **9.8 Colbinabbin Place Based Plan**

<b>Author</b>	<b>Department</b>	<b>Manager</b>	<b>General Manager</b>
Manager Community Development	Community	Manager Community Development	General Manager Community

The Colbinabbin Community has identified an opportunity to develop a Place Based Plan, incorporating a Township Facility Plan, and a revision of their Recreation Reserve Masterplan. The establishment of the Colbinabbin Development Group offers Council an opportunity to collaborate with the community through an entity that is authorised and representational of the various groups within the community.

The Development Group is seeking approval from Council to release the remainder of the Community Planning Implementation Funds (CPIF) held for Colbinabbin, of \$8,493.10, to finalise these activities.

**Moved Cr Weston**

**Seconded by Cr Jarman**

**That Council approve the allocation of \$8,493.10 Community Planning Implementation Funds to the Colbinabbin Development Committee to support the facilitation of the following plans for the Colbinabbin community:**

- 1. Place Based Plan,**
- 2. Township Facility Plan, and a**
- 3. Masterplan for the Colbinabbin Recreation Reserve.**

**CARRIED**

## 10 Council Information

### 10.1 Staff and Volunteer Recognition Program - Policy A-062

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

That Council note and acknowledge significant number of years of service to the Campaspe Shire Council by 43 permanent and casual employees to 31 December 2021.

**Moved by Cr Pentreath**

**Seconded by Cr Jarman**

**That Council note the significant milestones achieved by members of staff in line with Policy A-062, Staff and Volunteer Recognition Program.**

**CARRIED**

### 10.2 Note of Appreciation

**Moved by Cr Weston**

**Seconded by Cr Mackrell**

**That Council acknowledge the note of appreciation as listed.**

**CARRIED**

### 10.3 Community Event Sponsorship

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

That Council note the one successful application for Community Event Sponsorship.

**Moved by Cr Pentreath**

**Seconded by Cr Marwood**

That Council note the following sponsorship that was approved in accordance with the Community Event Sponsorship criteria and the applicant advised in writing:

- Goulburn Valley Equestrian Club Inc. - to assist with the cost to host the Horse Riding Club Association Victoria (HRC AV) Top Team Trophy (TTT) Show to be held on 12 December 2021 at the Elmore Events Centre, \$1,000 cash for arena hire and in-kind to the value of \$1,000 for the provision of 100 sections of temporary white picket fencing.

CARRIED

## 11 Councillor Reports

Nil

## 12 Chief Executive Officer's Calendar

Moved by Cr Mackrell

Seconded by Cr Zobec

That Council note the Chief Executive Officer's activities.

CARRIED

## 13 Petitions and Letters

Nil.

## 14 Notices of Motion

Nil.

## 15 Urgent Business

Nil.

## 16 Confidential Business

Closure of Public Meeting – 6.57 pm

Moved by Cr Pentreath

Seconded by Cr Mackrell

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:

### 16.1 Authority to Award Contract

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

The meeting is to consider confidential information pertaining to the estimated value and potential awarding of C21043.

### **16.2 Drainage Tender**

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

This report contains confidential pricing and business practice information supplied by a commercial business during a tender process.

### **16.3 Land Sale**

- 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.

The matter involves the proposed sale of land.

### **16.4 Land Sale**

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

This report discloses information in confidential negotiations to be considered and determined on the future sale of a Council property, yet to be released to the public.

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

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

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

This report references previous decisions of Council at its 17 March 2021 meeting.



## **16.5 Potential Contract Variation**

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

Report on the progress of a contract of works.

## **16.6 Land Sale**

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

This report discloses information on Officers' internal workings in recommending surplus land for sale, confidential property negotiations to date.

## **16.7 Commercial Lease**

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released,
- 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:
  - (iii) relates to trade secrets; or
  - (iv) 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).

This report discloses information on confidential matters to be considered and determined on the future leasing of commercial property, yet to be released to the public. Personal information of respondents, including names and addresses are contained in the report. Confidential correspondence by business undertakings on commercial matters is contained in this report. Confidential information from 19 May and 21 July Confidential minutes of Council meeting.

## **Resumption of Public Meeting**

### **8.01 pm the Council meeting resumed in Open Session.**

Council determined, in confidential session that the following decisions no longer be kept confidential.

## **16.3 Land Sale**

1. Amend the name of the purchaser from Andrew Allan to Andrew John Allan and Mikala Allan.
2. Commence the statutory procedures, pursuant to Section 114 of the Local Government Act 2020 for the sale by private treaty of land being Lot 17 on Plan of Subdivision 724007Y comprised in Certificate of Title Volume 12001 Folio 891 known as 16 Kuhle Road, Kyabram; to Andrew John Allan and Mikala Allan for a price of \$70,000 plus GST.

#### **16.4 Land Sale**

2. Commence the statutory procedures pursuant to section 114 of the Local Government Act 2020 for the proposed sale of the land being Lot 1, TP114017K comprised in Certificate of Title Volume 9726 Folio 868 known as 32 Ramsay Street, Rochester.
3. If no submissions are received pursuant to Section 114 of the Local Government Act 2020 in respect of the proposal, sell the land being Lot 1, TP114017K comprised in Certificate of Title Volume 9726 Folio 868 known as 32 Ramsay Street, Rochester to Nadine Taylor for the consideration of \$10,500 inclusive of GST.

#### **16.6 Land Sale**

1. Commence the statutory procedures, pursuant to Section 114 of the Local Government Act 2020 for the sale by private treaty of land being Crown Allotment 12 Section 1 comprised in Certificate of Title Volume 04325 Folio 806, known as Wyuna Community Memorial Hall to the Wyuna Community Memorial Hall Inc. for the price of \$100 plus GST.
2. If no submissions are received from the public notice published pursuant to Section 114 of the Local Government Act 2020 in respect of the proposal, sell the land being Crown Allotment 12 Section 1 comprised in Certificate of Title Volume 04325 Folio 806, known as Wyuna Community Memorial Hall to the Wyuna Community Memorial Hall Inc. for the price of \$100 plus GST.

#### **16.7 Commercial Lease**

1. Agree to Close EOI C21004 to lease 14 Watson Street, Echuca known as Riverfront Kiosk, as no suitable tenants were identified from the process acceptable to Council.
3. Conduct a new Expression of Interest to lease the Property in February 2022 with a set rental price per annum, to be determined by a licensed valuer, with annual CPI and market rental reviews mandatory.

## **17 Close Meeting**

There being no further business, the Mayor closed the meeting at 8.02 pm.



Cr Christine Weller

Mayor