



Council Minutes



Date: 19 January 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 19 January 2022, commencing at 6:00 pm at the Echuca Function Room, Echuca Civic Centre.

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 (virtual attendance)

Paul McKenzie - General Manager Development (virtual attendance)

Keith Oberin - General Manager Community

Andrew Cowin - Manager Governance and Strategy

Deidre Madill - Governance Adviser

Annette Waters - 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 Marwood

Seconded by Cr Pentreath

That the following minutes be confirmed:

- Campaspe Council Meeting held on 15 December 2021.

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 conflict of interest in Item 10.3 by way of a material interest.

5 Responsible Authority Decisions

Nil.

6 Planning Authority Decisions

Nil.

7 Question Time

Nil.

8 Acknowledgements / Councillor Reports

Nil.

9 Council Decisions

9.1 Policy 135 - Drainage

Author	Department	Manager	General Manager
Manager Assets	Assets	Manager Assets	General Manager Infrastructure

Council's environmental objectives include progressing towards becoming 'Water Sensitive', to minimise flooding and nuisance and to improve stormwater quality prior to its discharge into our stormwater system and the environment.

The Kyabram Flood Study, adopted at the 20 October 2021 Council Meeting, has now been considered as part of the policy review and no changes to the policy presented to Council are recommended.

Moved by Cr Pentreath

Seconded by Cr Jarman

That Council defer Policy 135 Drainage to the next Council Meeting in February.

CARRIED

9.2 Policy 034 - Investment Policy

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

This report presents the Investment Policy for adoption following review.

The review has considered alignment with the Local Government Act 2020, and provisions for investment, and the draft was presented to the Audit and Risk Committee for their review and feedback.

Moved by Cr Pentreath

Seconded by Cr Marwood

That Council adopt Council Policy 034 Investment.

CARRIED

9.3 Aquatic Services Review

Carlie Ryan addressed Council in relation to item 9.3.

Jack Norris addressed Council in relation to item 9.3.

Kris Munro addressed Council in relation to item 9.3.

Matt Baulch addressed Council in relation to item 9.3.

Susan Wearden addressed Council in relation to item 9.3.

Peter Romer addressed Council via telephone in relation to item 9.3.

Author	Department	Manager	General Manager
Manager Recreation	Recreation	Manager Recreation	General Manager Development

Council resolved at its 16 August 2016 Council meeting to decommission the Colbinabbin, Lockington, Stanhope and Tongala pool at the end of a three (3) year period. This endorsed recommendation was reaffirmed at the 16 April 2019 Council meeting, when Council extended the time frame until the end of 2021.

This report will provide the information required for Council to formalise a decision regarding the future of aquatics across the municipality.

Moved by Cr Weston

Seconded by Cr Amos

That Council:

- 1. Will not consider a decision on the future of outdoor pools for the following communities, Stanhope, Tongala, Colbinabbin, Lockington, Rochester, Rushworth and Kyabram, until Council completes the individual township facility plans for each of those towns.**
- 2. Commits to and directs the Chief Executive Officer to prepare a deliberative engagement plan to enable consultation with the community on the future of swimming pools and to be tabled at Council's April 2022 Council meeting for endorsement.**
- 3. Requests the township facility plans for the seven named communities be completed and presented to Council for endorsement by May 2023.**
- 4. Refers adequate funding into the 2022/23 budget to enable the township facility plan and placed based plan process to continue to be initiated with all communities with outdoor pools.**
- 5. Will prioritise funds for any immediate maintenance works required to ensure the pools can operate as normal, until the township facility plans are completed in each township.**

Cr Mackrell proposed an amendment to the motion to include “place-based plans” where “township facility plans” is referenced, and when those plans have not already been completed. Amendment was supported by Cr Weston and Cr Amos.

Moved by Cr Pentreath

Seconded by Cr Jarman

That standing orders be suspended to facilitate the business of the meeting.

CARRIED

Standing orders were suspended at 7:16pm.

Moved by Cr Mackrell

Seconded by Cr Jarman

That standing orders be resumed.

CARRIED

Standing orders were resumed at 7:20pm.

Cr Gates proposed an amendment to the motion to delete “with outdoor pools” from point 4.

Amendment was supported by Cr Weston and Cr Amos.

Cr Pentreath proposed an amendment to the motion to add “undertake training for lifeguards to enable them to support community pools”.

Amendment was not supported by Cr Weston.

Moved by Cr Weston

Seconded by Cr Amos

That Council:

- 1. Will not consider a decision on the future of outdoor pools for the following communities, Stanhope, Tongala, Colbinabbin, Lockington, Rochester, Rushworth and Kyabram, until Council completes the individual township facility plans for each of those towns.**
- 2. Where placed based plans have not been developed they are prepared concurrently with the township facility plan.**
- 3. Commits to and directs the Chief Executive Officer to prepare a deliberative engagement plan to enable consultation with the community on the future of swimming pools and to be tabled at Council’s April 2022 Council meeting for endorsement.**
- 4. Requests all township facility plans and placed based plans referred to in point 2 be completed and presented to Council for endorsement by May 2023.**
- 5. Refers adequate funding into the 2022/23 budget to enable the township facility plan and placed based plan process to continue to be initiated with all communities.**
- 6. Will prioritise funds for any immediate maintenance works required to ensure the pools can operate as normal, until the township facility plans are completed in each township.**

CARRIED

9.4 Local Law endorsed for consultation

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

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*.

The objectives of this 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 Weston

Seconded by Cr Jarman

That Council endorse the Draft General Local Law No. 9 2022 and approve it for exhibition and to seek feedback via community engagement.

CARRIED

9.5 Appointment of Chair Audit and Risk Committee

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

The Audit and Risk Committee operates in accordance with a Charter adopted by Council on 21 July 2020 and provides for the appointment of the Audit and Risk Committee Chairperson, setting a maximum consecutive term of two years. The Chairperson of the Audit and Risk Committee (the Committee) must be an independent member of the Committee.

This report presents a recommendation from the Audit and Risk Committee to Council and seeks the appointment of Ms MacRae as Chairperson of the Committee for the 2022 year, for a third successive year.

Moved by Cr Marwood

Seconded by Cr Amos

That Council appoint Ms Linda MacRae as Chairperson of the Audit and Risk Committee for the 2022 year, noting that the appointment would be for a third consecutive term.

Cr Mackrell called for a Division.

The decision was set aside and the Mayor put the matter to a vote.

Those in favour of the motion: Cr Amos, Cr Gates, Cr Jarman, Cr Marwood, Cr Weller, Cr Weston and Cr Zobec

Those against the motion: Cr Pentreath and Cr Mackrell

CARRIED

9.6 Policy 081 Privacy and Data Protection - Review

Author	Department	Manager	General Manager
Manager Governance & Strategy	Governance & Strategy		Chief Executive Officer

In Victoria, the Privacy and Data Protection Act 2014 (PDP Act) protects personal information held by Victorian government organisations.

A review of the policy affirmed clarity and alignment with the PDP Act and Council's commitment to privacy and how the organisation adheres to its privacy obligation, and one minor addition is proposed for inclusion.

Moved by Cr Gates

Seconded by Cr Weston

That Council adopt Policy 081 Privacy and Data Protection as attached.

CARRIED

9.7 Council consent to closing of a road under Section 349, Land Act 1958 - section of 'paper road' that lies between Parcels 4 and 5, TP531924, TP531924, Section 6, Parish of Gunbower

Author	Department	Manager	General Manager
Manager Assets	Assets	Manager Assets	General Manager Infrastructure

Department of Environment, Land, Water and Planning (DELWP) seeks Council consent, under Section 349 of the Land Act 1958, to closure of a section of 'paper road' that lies between Parcels 4 and 5, TP531924, TP531924, Section 6, Parish of Gunbower. Gunbower pre-emptive right section A (Pt.).

Moved by Cr Amos

Seconded by Cr Gates

That Council

1. Consent under Section 349 of the Land Act 1958 to the closure of a section of 'paper road' that lies between Parcels 4 and 5, TP531924, TP531924, Section 6, Parish of Gunbower. Gunbower pre-emptive right section A (Pt.).
2. Authorise the Chief Executive Officer to complete the Consent Form (Attachment 9.7.1) and apply the Council Seal to give effect to Council's concurrence to the closure.

CARRIED

10 Council Information

10.1 Notes of Appreciation

Moved by Cr Mackrell

Seconded by Cr Pentreath

That Council acknowledge the notes of appreciation as listed.

CARRIED

10.2 Donations Program

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

That Council note one successful application to the Donations Program.

Moved by Cr Pentreath

Seconded by Cr Gates

That Council note the following application has been approved in accordance with the Donations Program criteria and the applicant advised in writing:

- Little Dreamers Australia – to provide a dream experience of a family Echuca Paddlesteamer Cruise and Port of Echuca Discovery Centre Tour, in-kind to the value of \$120

CARRIED

Cr Jarman declared a conflict of interest in item 10.3 and vacated the Chamber at 8:09pm.

10.3 Community Event Sponsorship

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

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

Moved by Cr Amos

Seconded by Cr Gates

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

- Kyabram Swimming Club Inc. - \$450 in-kind support towards facility hire (Kyabram Swimming Pool) for the Kyabram Encouragement Meet to be held on 5 February 2022,
- Echuca Moama Triathlon Club Inc. - \$5,000 cash and in-kind support to the value of \$190 for waste management and temporary white picket fencing for the Echuca Moama Triathlon Club Multisports Weekend to be held on 22 & 23 January 2022

CARRIED

Cr Jarman re-entered the Chamber at 8:11pm.

11 Petitions and Letters

Nil.

12 Notices of Motion

12.1 Kotta Railway Station

Moved by Cr Pentreath

Seconded by Cr Weston

That Council in principle approve the return of Kotta Railway Station to the Kotta Railway Siding.

CARRIED

12.2 Colbinabbin Pool Opening Hours February 2022

Cr Weston sought leave to amend the motion.

Leave was granted.

Moved by Cr Weston

Seconded by Cr Gates

That Council:

1. Agrees to Colbinabbin Primary School's request to vary the Colbinabbin pool opening hours from 4pm to 7pm, shifted to 12pm to 3pm for February 2022, (except for Wednesday's) to enable the school to run its 2022 school swim program.
2. Agree to Tongala Primary School's request to vary the Tongala pool opening hours from 3pm to 7pm, shifted to 12pm to 4 pm for one week (to be determined) during February 2022 to enable the school to run its 2022 school swim program.
3. Agree that all schools within the Campaspe Shire, that may consider rescheduling swim lessons before the end of the 2021/22 season, can also apply to council officers for pool opening hours to be modified.
4. Ensures any students with a current annual pool pass can use the same for entry.
5. Acknowledges the current challenges regarding pool lifeguard availability and accordingly requests all reasonable measures are to be taken to minimise disruptions to the varied pool opening hours as a result of any school requests.

CARRIED

13 Urgent Business

Nil.

14 Confidential Business

Closure of Public Meeting – 8:23pm

Moved by Cr Marwood

Seconded by Cr Jarman

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:

14.1 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 report contains confidential information regarding the applicant and their proposal for the land, which if released to the public, may disadvantage them unreasonably.

14.2 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.

14.3 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 Council road reserves, car parks and the use of land, nature and future use and purchase price affecting land value and adjoining properties within the same area or similar scenarios.

14.4 CEO Performance and Remuneration Committee Update

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The report contains personal information in relation to the Chief Executive Officer.

Resumption of Public Meeting

8:50pm the Council Meeting resumed in Open Session.

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

14.1 Land Sale

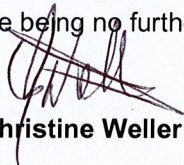
1. Commence the statutory procedures, pursuant to Section 114 of the Local Government Act 2020 for the sale by private treaty of land being Lot 11 on Plan of Subdivision 724007Y comprised in Certificate of Titles Volume 12001 Folio 869 known as 23 Kuhle Road, Kyabram; to Saza Investments Pty Ltd for a price of \$230,000 plus GST.
2. In the event that 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 Lot 11 of Subdivision 724007Y comprised in Certificate of Titles Volume 12001 Folio 869 and 23 Kuhle Road, Kyabram to Saza Investments Pty Ltd for the price of \$230,000 plus GST.
3. Authorise the Chief Executive Officer to sign the Contract of Sale and associated documents subject to the satisfactory outcome of the statutory requirements of Section 114 of the *Local Government Act 2020*.

14.2 Land Sale

1. Agree to the disposal of land being Lot 28, LP87020 comprised in Certificate of Title Volume 8834 Folio 871 known as Martin Street, Echuca.
2. Commence the statutory procedures pursuant to section 114 of the Local Government Act 2020 for the proposed sale of the land being Lot 28, LP87020 comprised in Certificate of Title Volume 8834 Folio 871 known as Martin Street, Echuca.
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 28, LP87020 comprised in Certificate of Title Volume 8834 Folio 871 known as Martin Street, Echuca to Peter Sacco and Khamphong Bruns for the consideration of \$27,500 inclusive of GST.

15 Close Meeting

There being no further business, the Mayor closed the meeting at 8:50pm.



Cr Christine Weller

Mayor