



# Council Minutes



**Date:** 20 August 2024  
**Time:** 6:00 PM  
**Venue:** Echuca Civic Centre

**Photo Left to Right:** Cr Tony Marwood (Deputy Mayor), Cr Colleen Gates, Cr Paul Jarman, Cr Daniel Mackrell, Cr Rob Amos (Mayor), Cr Leanne Pentreath, Cr Chrissy Weller, Cr Adrian Weston and Cr John Zobec.

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Minutes of the open section of the Campaspe Shire Council meeting held on Tuesday 20 August 2024, commencing at 6:00 pm at the Council Chambers, Echuca Civic Centre.

## **Present**

### **Councillors**

Cr Tony Marwood – Deputy Mayor  
Cr Paul Jarman  
Cr Tony Marwood  
Cr Leanne Pentreath  
Cr Daniel Mackrell  
Cr Adrian Weston  
Cr Colleen Gates

## **In Attendance**

### **Officers**

Michael Sharp – Acting Chief Executive Officer  
Matthew McPherson - Director Corporate  
Jo Bradshaw - Director Communities  
Ben Van Zeyl – Acting Director Infrastructure  
Kirsty Beattie – Acting Director Sustainability  
Jane Still - Manager Governance and Risk  
Annette Waters – Business Support Officer – OCEO

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

## **1.1 Apologies**

Cr Rob Amos, Cr Chrissy Weller

**Moved by Cr Mackrell**

**Seconded by Cr Weston**

**That the apologies be accepted.**

**CARRIED**

## **1.2 Leave of Absence**

Nil.

# **2 Confirmation of Minutes and Attachments**

**Moved by Cr Weston**

**Seconded by Cr Jarman**

**That the Minutes of the Campaspe Shire Council Meeting held on 23 July 2024 be confirmed.**

**CARRIED**



### 3 Disclosure of Conflicts 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 Pentreath declared a conflict of interest in Item 8.2.3 due to a direct material interest.**

**Cr Pentreath declared a general conflict of interest in Item 8.4.1 due to a direct conflict.**

### 4 Changes to the Order of Business

Nil.

### 5 Public Question Time

#### **Question from Brittany Mitchell:**

*Campaspe Shire is proposing to close the animal shelter. This means no adoptions and rehoming will no longer be facilitated. Local rescue organisations are at capacity. This will likely result in more dogs, cats and other animals being euthanised. The psychological impact on staff and the community will be profound. Over the weekend, over 1,500 people signed a petition on megaphone to stop this change. How is council justifying this change or will it listen to the community and not go ahead with it?*

#### **Response:**

Campaspe Shire Council is not intending on closing the Campaspe Animal Shelter. Rather, Council intends on transitioning the service from a shelter to a pound service over the next 12 months, allowing the necessary time to complete the transition and address any concerns. Council has spent considerable time and effort in reviewing the current service with the express aim of delivering better animal welfare outcomes for our animals.

This comes at a time when pet owners are struggling more than ever with the cost-of-living pressures which in turn has a flow on effect for animal shelters.

RSPCA Victoria released a statement earlier this week, noting the increasing pressure on the capacity of shelter services as a result of cost-of-living pressures, with struggling pet owners needing help more than ever before. Campaspe Shire was the third ranked local government area for number of animals seized or surrendered.

Currently, many animals reside at the shelter for a significant length of time in cages and this is categorically not within the best interests of the animals. There is simply an insufficient number of community members within the local community willing to adopt the growing number of animals available for adoption.

As part of the transition, Council will not be running animal adoption services from October 2025. In arriving at this decision, Council has worked with external consultants and has reviewed the current services including benchmarking with many other similar services in local government areas with similar demographics. The service review also included consultation and engagement with many rehoming services across Victoria. This engagement has identified many positive opportunities requiring further exploration over the next 12 months to assist in transitioning the service.

The future partnership with third party rehoming services will not be without its challenges. Council is aware these services are also significantly constrained. It is for this reason that Council has allowed a transition period of 12 months to explore partnerships with organisations who share Council's values of positive animal welfare outcomes. Initial conversations in this area have been promising to date.

Council's current shelter staff do an amazing job, and this decision is not a reflection of the quality of the service. Rather, Council is required to ensure decisions are made with animal welfare outcomes as the focus.

Council prioritises the wellbeing of its employees and the welfare of the animals in our temporary care and we are committed to providing the necessary support as the service transitions to the new operating model.

We are always interested in the views of our community, and we acknowledge the concerns raised. Council will take those into consideration as we move forward, utilising the 12 month transition period to address those concerns.

**Question from Noel Dean:**

*Has the council got any section 173 agreements with landowners in relation to Fera developments in Koyuga, Nanneella projects in the Campaspe Shire.*

*To protect the interests of neighbours we need section 173 agreement registering on the land title of host as I believe is the only way to prevent any permit breach by any Wind Farm Developer, we need this security to prevent Wind Farm Developers doing deals with hosts that releases wind farm developers from planning requirements.*

*When there is an section 173 agreement between landowner and Council anyone who occupies the land (Fera) is bound to be in the section 173 agreement. The reasoning behind the above is after dealing with a Wind farm Operator for 15 years without a result, I believe it best that it is the responsible authority (Council) to order an enforcement order as set out in planning act 1987 Sect 114, Section 173 and Section 114 attached.*

**Response:**

Campaspe Shire Council are aware that Fera is currently investigating a potential wind farm project in Koyuga / Nanneella area.

The determination of whether a wind farm is suitable in this area will be considered by the State Government as the Responsible Authority, not Campaspe Shire.

A Section 173 Agreement is a mechanism under the Planning and Environment Act 1987 that can restrict how a land is used, what development can occur or protects particular features. Generally, a Section 173 Agreement is utilised as part of the consideration of a planning application.

It is possible there may be Section 173 Agreements registered on land in the area Fera are investigating but these would not be in relation to the wind farm as Campaspe Shire isn't and will not be the Responsible Authority for the decision. If you wish to find out further information about whether and agreement applies to land you can do this through [www.landata.online](http://www.landata.online)

It is rare that a Section 173 Agreement is utilised in a pre-emptive manner and would require all parties to be in agreement and have substantial planning backing to support such a measure. Putting in place a pre-emptive Section 173 Agreement to prevent a

proposal that could be permissible under the Planning Scheme is not a step proposed to be undertaken.

There are other mechanisms in the absence of a Section 173 Agreement in relation to enforcement that would need to be relied upon, including whether the Act, Planning Scheme or conditions of a planning permit have been contravened.

## 6 Petitions / Joint Letters

## 7 Acknowledgements / Councillor Reports

Nil.

## 8 Council Decisions

### 8.1 Planning Authority Decisions

A Planning Authority is defined under Section 12 of the *Planning & Environment Act 1987* and is responsible for implementing the objectives of planning in Victoria and reviewing and preparing amendments to a planning scheme.

### 8.2 Responsible Authority Decisions

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

**Tony Johnston spoke in relation to item 8.2.1.**

**Karl Mathers spoke in relation to item 8.2.1.**

#### 8.2.1 PLN207/2023 – 4 Percy St, Echuca

**Directorate:** Sustainability

**Responsible Officer:** Planning Coordinator

**Manager:** Manager Planning and Building

**Attachments:** 1. ECM 3462524 v 1 V 3 Applicant Set of Plans (1) [8.2.1.1 - 34 pages]

**Moved by Cr Jarman**

**Seconded by Cr Pentreath**

**That Council, having considered the application on its merits and objections received, resolves to issue a Notice of Decision to grant a permit for PLN207/2023 subject to conditions outlined in Section 11 of this report.**

**CARRIED**

## 8.2.2 PLN032/2024 – 2611 Murray Valley Highway, Torrumbarry

<b>Directorate:</b>	Sustainability
<b>Responsible Officer:</b>	Planning Coordinator
<b>Manager:</b>	Manager Planning and Building
<b>Attachments:</b>	Nil

The purpose of this report is to provide a recommendation to Council to determine planning application PLN032/2024.

An application has been received for land at 2611 Murray Valley Highway, Torrumbarry for the *'use and development of the land for storage in the Farming Zone Schedule 1 and alteration to access of a Transport Zone 2 pursuant to Clause 52.29.'*

The application was advertised, and 3 objections have been received. The application has been assessed against the provisions of the Campaspe Planning Scheme and it is officers' recommendation that the application should be refused.

**Moved by Cr Pentreath**

**Seconded by Cr Weston**

**That Council refuse Planning Application PLN032/2024 on the following grounds:**

- 1. The proposal does not meet the provisions of Clause 13.07-1S Land Use Compatibility and will lead to an adverse outcome in the context of the area.**
- 2. The proposal is in direct conflict with Clause 14.01-1L-03 – Non-Agricultural Land Use in Campaspe.**
- 3. The proposal does not meet the strategies at Clause 15.01-6S – Design for Rural Areas, particularly in relation to the protection of rural character.**
- 4. The proposal does not adequately meet the purpose and decision guidelines of Clause 35.07 Farming Zone.**

**CARRIED**



Cr Pentreath declared a conflict of interest in Item 8.2.3 and left the Council Chamber at 7:01pm.

## 8.2.3 Planning Decision Monthly Update

**Directorate:** Sustainability

**Responsible Officer:** Manager Planning and Building

**Manager:** Manager Planning and Building

**Attachments:** 1. Monthly Councillor Reporting [8.2.3.1 - 4 pages]

The purpose of this report is to provide information on the determined planning applications including other planning decisions as of 31 July 2024.

**Moved by Cr Weston**

**Seconded by Cr Jarman**

**That Council note the determined planning permit applications and other planning decisions to 31 July 2024.**

**CARRIED**

Cr Pentreath returned the Council Chamber at 7:03pm.

## 8.3 Corporate

### 8.3.1 Council Plan Action Plan Progress 2024-25

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Manager Governance & Risk
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	1. Council Plan 2021-25 Action Plan Progress Q4 [8.3.1.1 - 4 pages]
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	<b>Enablers</b> Organisational strategy and performance.
<b>Other Strategic Context:</b>	Council Plan 2021-25

The report presents the fourth and final quarterly update on the progress and achievement of implementation of the Council Plan 2021-25 Action Plan 2023/24.

**Moved by Cr Pentreath**

**Seconded by Cr Mackrell**

**That Council note the progress in the fourth quarter against the Council Plan 2021-25 Action Plan 2023-24.**

**CARRIED**

## 8.3.2 Community Satisfaction Survey Action Plan Progress

**Directorate:** Corporate

**Responsible Officer:** Manager Governance and Risk

**Manager:** Director Corporate

**Attachments:** 1. Community Satisfaction Survey Action Plan Q4 [8.3.2.1 - 3 pages]

The report presents progress on the implementation of initiatives against the Community Satisfaction Survey Action Plan, developed in response to the low performing areas of the 2023 Community Satisfaction Survey results.

**Moved by Cr Jarman**

**Seconded by Cr Pentreath**

**That Council note the progress against the Community Satisfaction Survey Action Plan 2023-24 for Quarter 4.**

**CARRIED**

### 8.3.3 Appointment and Authorisation - Anthony Roeszler

<b>Directorate:</b>	Community Safety and Recovery
<b>Responsible Officer:</b>	Manager Community Safety and Compliance
<b>Manager:</b>	Manager Community Safety and Compliance
<b>Attachments:</b>	Instrument of Appointment and Authorisation
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	Not Applicable
<b>Other Strategic Context:</b>	Not Applicable

To appoint Anthony Roeszler (Planning Compliance Officer) as an authorised officer for the purposes of the administration and enforcement of Acts and Regulations which relate to the functions and powers of Campaspe Shire Council.

**Moved by Cr Weston**

**Seconded by Cr Mackrell**

**That Council, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), resolves that:**

**a) The member of Council staff referred to in the instrument and listed below be appointed and authorised as set out in the instrument:**

**1.1 Anthony Roeszler**

**b) The instrument come into force following Council resolution and remain in force until Council determines to vary or revoke it, or on cessation of the officer's employment with Council.**

**1.2 The instruments be signed by two Councillors and the Chief Executive Officer.**

**CARRIED**

## 8.4 Communities

Cr Pentreath declared a conflict of interest in Item 8.4.1 and left the Council Chamber at 7:23pm.

### 8.4.1 Committee of Management - Lockington Recreation Reserve

<b>Directorate:</b>	Communities
<b>Responsible Officer:</b>	Manager Active Communities
<b>Manager:</b>	Manager Active Communities
<b>Attachments:</b>	Nil

The purpose of this report is to seek endorsement from Council to accept The Department of Energy, Environment and Climate Action's request to appoint Council as the Committee of Management to manage the Crown land known as Crown allotment 1, Section 11, Parish/Township of Bamawm (Lockington Recreation Reserve).

**Moved by Cr Jarman**

**Seconded by Cr Weston**

**That Council accepts the committee of management responsibility for Crown Allotment 1, Section 11 Parish of Bamawm known as part of the Lockington Recreation Reserve from the Department of Energy Environment and Climate Action.**

**CARRIED**

Cr Pentreath returned the Council Chamber at 7:28pm.



## 8.4.2 Riverboats Music Festival MOU Extension

<b>Directorate:</b>	Communities
<b>Responsible Officer:</b>	Acting Festival and Events Coordinator
<b>Manager:</b>	Manager Tourism, Arts & Culture
<b>Attachments:</b>	Nil

The purpose of this report is to seek Council's approval for the renewal of Event Funding for Westbound Productions to produce the Riverboats Music Festival, in the Aquatic Reserve, for the next 5 years, 2025–2029.

**Moved by Cr Jarman**

**Seconded by Cr Mackrell**

**That Council agrees to enter into a five-year funding agreement with Westbound Productions that includes an annual cash contribution of \$7,000 (GST exclusive) and contribution through Council service provision to the value of \$7,700 per annum (GST exclusive with annual CPI increases) for the delivery and growth of the 2025, 2026, 2027, 2028 & 2029 Riverboats Music Festivals.**

**CARRIED**

### 8.4.3 Township Decoration Policy

<b>Directorate:</b>	Communities
<b>Responsible Officer:</b>	Acting Festival and Events Coordinator
<b>Manager:</b>	Manager Tourism, Arts & Culture
<b>Attachments:</b>	Nil

Council to consider revoking Council Policy 076 Township Street Decorations Policy and support the development of a Festival & Events Strategy to manage the Shire's township decorations during festivals and events such as annual Christmas or Chinese New Year festivities as examples.

**Moved by Cr Pentreath**

**Seconded by Cr Zobec**

**That Council:**

- 1. revoke Council Policy 076- Township Street Decorations Policy and supports the development of a Festival & Events Strategy which incorporates the acknowledgment of significant festivities and events.**
- 2. Council notes the 2024 Christmas decorations are already planned and this will therefore not impact this year's Festive Season.**

**CARRIED**

## 8.5 Infrastructure

### 8.5.1 Annual Capital Works Program - Quarter Four Update

**Directorate:** Infrastructure

**Responsible Officer:** Program Office Manager

**Manager:** Manager Major Projects

**Attachments:**

1. CWP 2324 June Dashboard [8.5.1.1 - 2 pages]
2. CWP 2324 June Summary Report [8.5.1.2 - 4 pages]

The purpose of this report is to provide a summary of Quarter 4 delivery under the 2023/24 Capital Works Program.

**Moved by Cr Pentreath**

**Seconded by Cr Jarman**

**That Council receive and note the progress achieved in delivery of the 2023-24 Capital Works Program.**

**CARRIED**

## 8.5.2 Tender - C24026 Waranga Rail Trail - Gravel Path and Bridge Repairs

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Contracts and Procurement Manager
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL REDACTED - C24026 Evaluation Panel Report [8.5.2.1 - 5 pages]</li><li>2. CONFIDENTIAL REDACTED - Costing Breakdown including tendered price [8.5.2.2 - 1 page]</li></ol>

To provide the necessary information to Council to enable it to consider an award of Contract C24026 Waranga Rail Trail Gravel Path and Bridge Repairs, to the preferred tenderer.

**Moved by Cr Weston**

**Seconded by Cr Jarman**

**That Council approve:**

1. The award of tender C24026 to the preferred tenderer as proposed in the recommendation section of the confidential attachment to this report;
2. The signing by the Chief Executive Officer of any documents which may be required to give effect to this resolution by Council;
3. The approval by the Chief Executive Officer of a purchase order to the amount proposed by the preferred tenderer in the confidential attachment to this report;
4. The Chief Executive Officer's authorisation of any variations within the approved budget for this project;
5. The publishing of the successful tenderer name and contract sum on Council's website; and
6. The allocation of \$404,000 from the Strategic Asset Reserve to the project to enable the contract to be awarded.

**CARRIED**

## 8.6 Sustainability

### 8.6.1 Safer Local Roads and Infrastructure Program

<b>Directorate:</b>	Sustainability
<b>Responsible Officer:</b>	Waste Services Coordinator
<b>Manager:</b>	Director Infrastructure
<b>Attachments:</b>	1. SLRIP funding guidelines [8.6.1.1 - 30 pages]

The purpose of this report is to:

1. For Council to endorse two grant applications for the Safer Local Roads and Infrastructure Program. The applications would enable works to upgrade Davis Road to a fully sealed road with concrete and flood ways for access to Patho landfill and upgrade parts of Two Tree Road, West of Girgarre-Rushworth Road to Gilmour Road for access to Biomix (organic composting facility). These works will provide safer access roads which are more resilient to weather events and have reduced maintenance costs.
2. Additionally, officers are seeking authorisation to provide a 20% co contribution of \$780k for the works on Davis Road and \$986k for the works on Two Tree Road.

**Moved by Cr Jarman**

**Seconded by Cr Pentreath**

**That Council:**

1. **Authorise officers to prepare two full grant applications for upgrades to Davis Road, Patho & Two Tree Road from Girgarre - Rushworth Road to Gilmour Road under the Safer Local Roads and Infrastructure Program grant program**
2. **Endorse a co contribution of \$860,000 for the works on Davis Road.**
3. **Endorse a co contribution of \$980,000 for the works on Two Tree Road.**

**CARRIED**



## 8.7 Council Information

### 8.7.1 Notes of Appreciation

**Directorate:** Office of the CEO

**Responsible Officer:** Business Support Officer – Office of the CEO

**Manager:** Executive Officer

To present the notes of appreciation that Council has received since its last meeting.

**1. Annette, Nanneella.**

We received a thank you from Annette and Max for our native tree scheme. They have been receiving trees from the Rochester native tree nursery over the past several years, and these have been very helpful for their farm.

*“Thank you so much for implementing the native tree scheme.”*

**2. Anonymous**

*“Thank you to all organisers for the 2024 Winter Blues Festival. It was the first time we attended the festival, and we had a blast. We cannot wait to attend again in 2025!”*

**3. Greg, Echuca**

We received a message from Greg, who regularly travels along Warren Street and the Murray Valley Highway. He wanted to express his appreciation for the fantastic job our team is doing in maintaining these areas. Greg mentioned that the area, which was previously overgrown with long grass, weeds, and Bindi Eyes, is now tidy and neat, providing a welcoming introduction to Echuca.

*“Whoever mows along the MV Highway and Warren St. deserves accolades for doing a FANTASTIC job. It is a pleasure to see such a tidy and neat area which is an introduction to Echuca.”*

**4. Thomas, Echuca**

Thomas stopped by the Council offices to express his gratitude to the Council for trimming the trees on Fehring Lane, Echuca. He wanted to personally thank the team for their work.

**5. Norma, Echuca**

*“I am so grateful for all of the volunteer drivers, they are all so lovely, Barry made my birthday so special today”.*

**Moved by Cr Pentreath**

**Seconded by Cr Mackrell**

**That Council acknowledge the notes of appreciation as listed and convey this appreciation to the relevant parties.**

**CARRIED**

## **9 Notices of Motion**

Nil.

## **10 Urgent Business**

Nil.

## **11 Confidential Business**

Nil.

## **12 Close Meeting**

There being no further business, the Deputy Mayor closed the meeting at 8.11pm.



**Cr Rob Amos**  
**Mayor**