



GOLDEN PLAINS SHIRE

# MINUTES

## Ordinary Council Meeting

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**6.00pm Tuesday 28 May 2019**

### **VENUE:**

**Bannockburn Shire Hall  
Council Chambers  
12 High Street, Bannockburn**

NEXT COUNCIL MEETING  
6.00pm Tuesday 11 June 2019

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**Order Of Business**

|           |  |           |
|-----------|--|-----------|
| <b>1</b>  | <b>Opening Declaration</b> .....   | <b>3</b>  |
| <b>2</b>  | <b>Acknowledgement of Country</b> .....  | <b>3</b>  |
| <b>3</b>  | <b>Apologies and Leave of Absence</b> .....  | <b>3</b>  |
| <b>4</b>  | <b>Confirmation of Minutes</b> .....   | <b>3</b>  |
| <b>5</b>  | <b>Declaration of Conflict of Interest</b> .....   | <b>3</b>  |
| <b>6</b>  | <b>Public Question Time</b> .....  | <b>3</b>  |
| <b>7</b>  | <b>Business Reports for Decision</b> .....   | <b>4</b>  |
| 7.1       | Young Achiever Award Acknowledgement .....   | 4         |
| 7.2       | Delegates Report - 24 April 2019 to 27 May 2019 .....  | 5         |
| 7.3       | Draft Inverleigh Streetscape Masterplan.....   | 6         |
| 7.4       | Planning Application P18-160 for the building of a house for 110A & 110J,<br>Stephens Road, Bannockburn.....     | 7         |
| 7.5       | Planning Application P16-276 - Two Lot Subdivision for 12 Cope Street,<br>Scarsdale .....                        | 8         |
| 7.6       | Planning Scheme Amendment C80 - Inverleigh Flood Mapping .....   | 8         |
| 7.7       | Elder Park Management - EOI Approval.....  | 9         |
| 7.8       | Review of Instrument Delegation - Council to Members of Staff (Incorporating<br>Planning Decisions Review) ..... | 9         |
| 7.9       | Local Government Inspectorate – Golden Plains Shire Council Examination<br>Report .....                          | 11        |
| 7.10      | Budget Report - 9 Months Ended 31 March 2019.....  | 12        |
| 7.11      | Audit & Risk Committee Report - 14 May 2019 .....  | 12        |
| 7.12      | Review of Audit & Risk Committee Charter .....   | 13        |
| 7.13      | Councillor Expenses Report - 9 Months Ended 31 March 2019.....   | 13        |
| 7.14      | Appointment of Acting CEO.....   | 14        |
| 7.15      | Assembly of Councillors .....  | 14        |
| <b>8</b>  | <b>Notices of Motion</b> .....   | <b>14</b> |
| 8.1       | Notice of Motion .....   | 14        |
| <b>9</b>  | <b>Petitions</b> .....   | <b>15</b> |
|           | Nil  |           |
| <b>10</b> | <b>Confidential Reports for Decision</b> .....   | <b>15</b> |
|           | Nil  |           |

**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE BANNOCKBURN SHIRE HALL, COUNCIL CHAMBERS, 12 HIGH STREET,  
BANNOCKBURN  
ON TUESDAY, 28 MAY 2019 AT 6.00PM**

**PRESENT:** Cr Owen Sharkey (Mayor), Cr Helena Kirby, Cr David Evans, Cr Joanne Gilbert, Cr Nathan Hansford, Cr Des Phelan, Cr Les Rowe

**IN ATTENDANCE:**

CEO Eric Braslis, Director Assets and Amenity Greg Anders, Director Community Services Lisa Letic, Director Corporate Services Philippa O'Sullivan, Corporate Governance Coordinator Candice Holloway

**1 OPENING DECLARATION**

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire

**2 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges the traditional Wadawurrung owners of the land where we meet today. Council pays its respects to Wadawurrung Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

**3 APOLOGIES AND LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF MINUTES**

**RESOLUTION**

Moved: Cr Nathan Hansford

Seconded: Cr David Evans

That the minutes of the Ordinary Council Meeting held on 23 April 2019 be confirmed.

**CARRIED**

**5 DECLARATION OF CONFLICT OF INTEREST**

Nil

**6 PUBLIC QUESTION TIME**

Nil

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 YOUNG ACHIEVER AWARD ACKNOWLEDGEMENT**

Trinity, lives in Sutherlands Creek and was nominated for her leadership attributes and outstanding contribution to the Golden Plains Shire community through extensive volunteering pursuits.

The achievement was recognised with the presentation of a certificate by the Mayor.

**7.2 DELEGATES REPORT - 24 APRIL 2019 TO 27 MAY 2019****CR OWEN SHARKEY**

|          |   |
|----------|---|
| 25 April | Anzac Day Ceremony in Bannockburn                                       |
| 25 April | Councillor Conversation Post in Inverleigh                              |
| 26 April | G21 Board Meeting   |
| 8 May    | Meeting with Andy Meddick MP  |
| 8 May    | Budget Consultation Session in Smythesdale                              |
| 9 May    | Linton and District Progress Association AGM                            |
| 14 May   | Audit and Risk Committee Meeting  |
| 15 May   | Budget Consultation Session in Bannockburn                              |
| 21 May   | Councillor Briefing Meeting   |
| 22 May   | Visit to Rocklea Farm   |
| 24 May   | Tourism Greater Geelong and The Bellarine Partner Race Day              |
| 25 May   | Official Opening of the Bannockburn Victoria Park Netball Court upgrade |

**CR DAVID EVANS**

|          |   |
|----------|---|
| 25 April | Anzac Day Ceremony in Meredith                          |
| 25 April | Anzac Day Ceremony in Teesdale                          |
| 25 April | Councillor Conversation Post in Inverleigh              |
| 29 April | Geelong Rural and Peri Urban Advisory Committee meeting |
| 8 May    | Budget Consultation Session in Smythesdale              |
| 14 May   | Audit and Risk Committee Meeting                        |
| 14 May   | G21 Health and Wellbeing Pillar Meeting                 |
| 15 May   | Budget Consultation Session in Bannockburn              |
| 20 May   | Meredith Committee of Management Meeting                |
| 21 May   | Councillor Briefing Meeting                             |

All other Councillors gave a verbal update on their attendances of various Council and community functions over the month.

**RESOLUTION**

Moved: Cr Des Phelan

Seconded: Cr David Evans

That Council receive and note the Delegates Report – 24 April 2019 to 27 May 2019.

**CARRIED**

### 7.3 DRAFT INVERLEIGH STREETScape MASTERPLAN

#### BACKGROUND

Council at its meeting of 27 November 2019 received a report outlining the background to the preparation of various streetscape plans for Inverleigh. At that meeting, Council resolved to defer any decision pending further consultation.

As a result further refinements were made to the draft streetscape plans and those plans were presented to the community, as a meeting held on Monday 25 February at the Inverleigh Bowls Club. Having heard clearly from the community at that meeting, Council at its meeting on 26 February resolved to *“Abandon the concept plan option for one-way service roads within the Draft Inverleigh Streetscape Masterplan and continue to work with the community on refining the option that retains two-way traffic.”*

What followed was a further engagement program through March which saw responses from 77 Inverleigh residents via our postcards, 33 via the online survey on Council’s website, along with several individual submissions including one from the Inverleigh Progress Association. The overwhelming themes that emerged were:

- Retain the ‘country feel’ of the Inverleigh township;
- No median strip on the Hamilton Highway;
- Retain the two-way service roads; and
- No major infrastructure changes to the Inverleigh Streetscape.

Based on this feedback, council prepared a ‘works program’ intending to address many of the issues that the community felt were more immediate and remedial type concerns;

- Fix road surfaces
- Better drainage
- Plant and protect trees
- Improve parking

#### MOTION

Moved: Cr Des Phelan

Seconded: Cr David Evans

That Council:

1. Receive and note the feedback received from the Inverleigh Community on the Draft Inverleigh Streetscape Masterplan.
2. Acknowledge that the routine and minor maintenance identified through the community consultation and engagement process (Works Plan) will be delivered under Council’s annual road and drainage maintenance and capital works program.
3. Acknowledge that the community does not currently support the Draft Inverleigh Streetscape Masterplan and set it aside for review in the future.

Cr Helen Kirby moved an amendment.

#### AMENDMENT

Moved: Cr Helen Kirby

Seconded: No seconder

That the words ‘within 6 months’ be added to the end of point 3, to then read as follows:

3. Acknowledge that the community does not currently support the Draft Inverleigh Streetscape Masterplan and set it aside for review in the future within 6 months.

**LAPSED**

**RESOLUTION**

Moved: Cr Des Phelan

Seconded: Cr David Evans

That Council:

1. Receive and note the feedback received from the Inverleigh Community on the Draft Inverleigh Streetscape Masterplan.
2. Acknowledge that the routine and minor maintenance identified through the community consultation and engagement process (Works Plan) will be delivered under Council's annual road and drainage maintenance and capital works program.
3. Acknowledge that the community does not currently support the Draft Inverleigh Streetscape Masterplan and set it aside for review in the future.

**CARRIED**

**7.4 PLANNING APPLICATION P18-160 FOR THE BUILDING OF A HOUSE FOR 110A & 110J, STEPHENS ROAD, BANNOCKBURN****EXECUTIVE SUMMARY**

This report relates to planning permit application P18-160 which seeks approval for the use and development of a dwelling at Crown Allotments 110A & CA110J, Parish of Wabdallah. This 10 hectare parcel of land, located on Stephens Road, Bannockburn, is zoned Farming (FZ) and is subject to the Environmental Significance Overlay - Schedule 2 (ESO2) and partially subject to the Land Subject to Inundation Overlay (LSIO). The need for a permit is triggered under the provisions of the Farming zone and the Environmental Significance Overlay. This report provides a summary of the application, relevant planning considerations and assessment.

Tufan Chakir (on behalf of the applicant) addressed the Council.

**RESOLUTION**

Moved: Cr Des Phelan

Seconded: Cr Nathan Hansford

That Council resolve to issue a Notice of decision to refuse Planning Permit P18-160 for the use and development of land for a dwelling at Crown Allotment 110A & Crown Allotment 110J, Stephens Road, Bannockburn, for the following reasons:

- (a) The proposal is inconsistent with the Planning Policy Framework (Clauses 11.03-3S & 14.01-1S, & 21.05-1) which aims to protect productive agricultural land by directing housing to existing settlements and discouraging the development of small lots in rural areas for dwellings.
- (b) The proposal is contrary to the Local Planning Policy Framework in particular Clause 21.05-1 (Agriculture) and the Rural Land Use Strategy which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and by containing residential development within existing town boundaries.
- (c) The proposal does not satisfy the provisions of the Farming Zone, because it does not adequately justify the need for a dwelling based on the agricultural activities proposed to be conducted on the land.

**CARRIED**

## **7.5 PLANNING APPLICATION P16-276 - TWO LOT SUBDIVISION FOR 12 COPE STREET, SCARSDALE**

### **EXECUTIVE SUMMARY**

This report relates to a planning permit application proposing the development of land for a two (2) lot subdivision at 12 Cope Street, Scarsdale. The subject site is located in the Township Zone and no overlays apply. A planning permit is triggered for subdivision in the Township Zone. A request for further information was sent to the applicant with no response received. The application was referred to the Council meeting for determination as the recommendation is to refuse the granting of a planning permit.

### **RESOLUTION**

Moved: Cr Helena Kirby

Seconded: Cr David Evans

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the development of the land for a two lot subdivision at 12 Cope Street, Scarsdale for the following reasons:

- a) Insufficient information has been received regarding stormwater management for the proposed development.
- b) The proposal is inconsistent with the Golden Plains Domestic Wastewater Management Plan.

**CARRIED**

## **7.6 PLANNING SCHEME AMENDMENT C80 - INVERLEIGH FLOOD MAPPING**

### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C80 has been prepared to implement the recommendations of the Inverleigh Flood Study (2018). A key component of the amendment is to provide significant modifications to the extent and nature of existing flood mapping in Inverleigh. Following exhibition of the amendment Council is now in a position to consider adopting the amendment and requesting approval from the Minister for Planning.

### **RESOLUTION**

Moved: Cr David Evans

Seconded: Cr Helena Kirby

That Council:

1. Adopt Amendment C80, which modifies the Land Subject to Inundation Overlay and Floodway Overlay Mapping in Inverleigh, proposes new Floodway Overlay and Land Subject to Inundation Overlay Schedules for Inverleigh and modifies Clause 22.11 (Floodplain Management).
2. Requests the Minister for Planning to approve Amendment C80 in accordance with section 31 of the *Planning and Environment Act 1987*.

**CARRIED**



## **7.7 ELDER PARK MANAGEMENT - EOI APPROVAL**

### **EXECUTIVE SUMMARY**

Council sought Expressions of Interest in April 2019 for a community group to manage Elder Park Rokewood in accordance with the lease terms and a grazing management plan. One submission was received from the Rokewood/Corindhap Football Netball Club.

It is recommended that a five year lease be entered into with the Rokewood/Corindhap Football Netball Club to manage Elder Park, Rokewood.

### **RESOLUTION**

Moved: Cr Nathan Hansford

Seconded: Cr Des Phelan

That Council enter into a five year lease agreement with Rokewood/Corindhap Football Netball Club for the management of Elder Park, Rokewood.

**CARRIED**

## **7.8 REVIEW OF INSTRUMENT DELEGATION - COUNCIL TO MEMBERS OF STAFF (INCORPORATING PLANNING DECISIONS REVIEW)**

### **EXECUTIVE SUMMARY**

The Local Government Act 1989 enables Council to delegate functions, duties and powers, other than exemptions under sections 86(4) and 98(1) of the Act, to the CEO, Council staff and special committees established under Section 86.

A review of the instruments of delegation from Council to members of Council staff has been undertaken. The review included:

- incorporation of changes to the instrument issued by Maddocks Lawyers since the last review;
- an internal review to ensure alignment with overall organisational requirements, structure and position responsibilities; and
- a detailed review of the delegations under the under the Planning and Environment Act 1987 with the goal to introduce efficiencies into the Statutory Planning Department.

The changes are summarised in detail within the report.

The updated instrument of delegation is presented for Council's adoption (Attachment 1).

### **RECOMMENDATION**

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation:

1. Adopt the Instrument of Delegation from Council to members of Council staff as shown in Attachment 1, subject to the conditions and limitations specified in that Instrument.
2. Authorise the Chief Executive Officer to execute the instrument of delegation outlined above by affixing the Common Seal.
3. Approve the instrument of delegation to come into force immediately upon execution.
4. Approve that, once the new the instrument of delegation are in force, the previous delegations from Council to the members of Council staff are revoked.

5. Note that the duties, functions and powers set out in the instrument must be performed and executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

## **RESOLUTION**

Moved: Cr David Evans

Seconded: Cr Des Phelan

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation:

1. Adopt the Instrument of Delegation from Council to members of Council staff, subject to the conditions and limitations specified in that Instrument and the following changes:
  - 1.1 Amend the Instrument of Delegation from Council to members of Council staff to reflect no changes to the delegations (including the conditions and limitations) currently existing for section 61(1) of the Planning and Environment Act 1987.
2. Authorise the Chief Executive Officer to execute the instrument of delegation (as amended in accordance with No 1 above) to come into force immediately upon execution.
3. Approve the instrument of delegation to come into force immediately upon execution.
4. Approve that, once the new the instrument of delegation are in force, the previous delegations from Council to the members of Council staff are revoked.
5. Note that the duties, functions and powers set out in the instrument must be performed and executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
6. Require a further report to be presented to Council at the 25<sup>th</sup> June 2019 Ordinary Council Meeting, detailing the options available to Council to consider, in regard to delegations for officers pursuant to Section 61(1) of the Planning and Environment Act 1987 (i.e. Power to determine permit applications either to decide to grant a permit with conditions or to refuse a permit application).

**CARRIED**

## **7.9 LOCAL GOVERNMENT INSPECTORATE – GOLDEN PLAINS SHIRE COUNCIL EXAMINATION REPORT**

### **EXECUTIVE SUMMARY**

At the request of the CEO, in November 2018 Golden Plains Shire Council participated in an examination by the Local Government Inspectorate (LGI) to ensure Council's processes and practices, specifically, in relation to governance and procurement, met the requirements of the Local Government Act 1989 (the Act).

The LGI lodged a report on 28 February 2019 detailing the results on the examination. Council were requested to respond to the matters raised in the report and a response was lodged with the LGI on the 2 April 2019.

A number of recommended actions were made by the LGI to improve current process and practices. Council were supportive of all the recommendations contained within the LGI report and a number of activities are now underway or planned to implement the recommendations made by the LGI.

The actions in place are being monitored internally and a progress report on the actions will be provided at the September Audit and Risk Committee meeting.

### **RESOLUTION**

Moved: Cr Helena Kirby

Seconded: Cr Nathan Hansford

That Council:

1. Receive and note the Local Government Inspectorate Golden Plains Shire Council Examination Report (Attachment 1).
2. Receive and note the Council response to the examination report lodged with the Local Government Inspectorate (Attachment 2).
3. Note the outstanding actions identified in the response (Attachment 2) have been added to the Outstanding Internal and External Audit Actions Report to allow progress to be reported to the Audit and Risk Committee.
4. Note the examination report and response is publically available on Councils website

**.CARRIED**

**7.10 BUDGET REPORT - 9 MONTHS ENDED 31 MARCH 2019****EXECUTIVE SUMMARY**

As at 31 March 2019, the Income Statement reports total operating revenue of \$34.2m and total operating expenditure of \$28.3m which results in a year to date surplus of \$5.9m. This is \$146k favourable variance compared to the adopted budget. The surplus from operations is forecast to be \$6.3m for the year ending 30 June 2019.

The Capital Works Statement indicates total capital works expenditure of \$8.3m, which is \$2.6m below the March YTD adopted budget, with the March forecast capital works program revised from \$20.9m to \$14.0m with \$6.9m forecast to carry over to 2019-20.

The forecast cash balance, compared to the original budget at 30 June 2019 is forecast to be \$8.7m favourable. This is primarily due to the assumption that the Federal Government will once again distribute 50% (\$2.7m) of the 2019-20 Financial Assistance Grant's (FAG's) funding early in June 2019, and the forecast carry-over of \$6.9m of capital expenditure to 2019-20.

**RESOLUTION**

Moved: Cr Des Phelan

Seconded: Cr Nathan Hansford

That Council adopts the Budget Report for the 9 months ended 31 March 2019.

**CARRIED**

**7.11 AUDIT & RISK COMMITTEE REPORT - 14 MAY 2019****EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 14 May 2019 meeting of the Audit & Risk Committee.

**RESOLUTION**

Moved: Cr Joanne Gilbert

Seconded: Cr Nathan Hansford

That Council receive the Audit & Risk Committee report from the meeting of 14 May 2019

**CARRIED**

## 7.12 REVIEW OF AUDIT & RISK COMMITTEE CHARTER

### EXECUTIVE SUMMARY

In accordance with section 9b of the Audit and Risk Committee charter, it states that the Committee must *'review and assess the adequacy of the Audit and Risk Committee Charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation'*. As part of the review of the Audit and Risk Committee Charter (Charter), changes in legislation and reporting requirements were considered. In addition, a review of other like Council's charters was undertaken.

Based on these reviews, it is considered that the current charter in place continues to adequately address all responsibilities required of the Audit and Risk Committee.

The only proposed change relates to Chairperson, point 3. It is recommended that point 3 include an additional sentence being *"The Chairperson is re-affirmed on an annual basis and the appointed chair is capped to a three year term"*. This is tracked as a change in the Audit and Risk Committee Charter provided in Attachment 1.

### RESOLUTION

Moved: Cr David Evans

Seconded: Cr Des Phelan

That Council:

1. Note that the Audit and Risk Committee charter has been reviewed to ensure it remains relevant and effective;
2. Approve the recommended proposed amendment to the Audit and Risk Committee Charter to provide more clarity in relation to the appointment and annual re-affirmation of the Audit and Risk Committee Chair.

**CARRIED**

## 7.13 COUNCILLOR EXPENSES REPORT - 9 MONTHS ENDED 31 MARCH 2019

### EXECUTIVE SUMMARY

The attached report outlines Councillor allowances and expenses that have been paid during the first three quarters of the 2018-19 financial year from 1 July 2018 - 31 March 2019.

In order to ensure the highest levels of transparency and accountability, Council make Councillor allowances and expenses available to the public through a quarterly statement reported at Council meetings.

### RESOLUTION

Moved: Cr Joanne Gilbert

Seconded: Cr Les Rowe

That Council note the contents of the Councillor Expenses Report for 9 months ended 31 March 2019.

**CARRIED**

## 7.14 APPOINTMENT OF ACTING CEO

### EXECUTIVE SUMMARY

It is best practise that the Council formally appoint an Acting CEO where the CEO has a period of continuous leave greater than four weeks. Given the CEO will be absent for a period of four weeks, this report provides for approval of Annual Leave for the CEO and the appointment of Philippa O' Sullivan as the Acting CEO whilst the CEO is on annual leave.

### RESOLUTION

Moved: Cr David Evans  
Seconded: Cr Joanne Gilbert

That Council appoints Philippa O'Sullivan as Acting Chief Executive Officer for the period from 5pm on Friday 7 June to Monday 8 July, 2019 inclusive.

**CARRIED**

## 7.15 ASSEMBLY OF COUNCILLORS

### EXECUTIVE SUMMARY

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 24 April 2019 to 27 May 2019.

### RESOLUTION

Moved: Cr Des Phelan  
Seconded: Cr Nathan Hansford

That Council notes the Assembly of Councillors Record from 24 April 2019 to 27 May 2019 as attached.

**CARRIED**

## 8 NOTICES OF MOTION

### 8.1 NOTICE OF MOTION

I, Councillor David Evans, give notice that at the next Ordinary Meeting of Council be held on 28 May 2019, I intend to move the following motion:-

### MOTION

Moved: Cr David Evans  
Seconded: Cr Les Rowe

That Council approve the sum of \$15,000 as its contribution to fund the City of Geelong scoping study for a livestock and Education Exchange in our region.

**LOST**

In Favour: Crs David Evans and Les Rowe

Against: Crs Helena Kirby, Joanne Gilbert, Nathan Hansford, Des Phelan and Owen Sharkey

**LOST 2/5**

**9 PETITIONS**

Nil

**10 CONFIDENTIAL REPORTS FOR DECISION**

Nil

**The Meeting closed at 8.20pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 June 2019.**

.....  
**MAYOR CR SHARKEY**