



MINUTES

Council Meeting

6.00pm Tuesday 23 August 2022

VENUE:
The Well
19 Heales Street, Smythesdale

NEXT COUNCIL MEETING
6.00pm Tuesday 27 September 2022

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at www.goldenplains.vic.gov.au

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**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE THE WELL, 19 HEALES STREET, SMYTHESDALE
ON TUESDAY, 23 AUGUST 2022 AT 6.00PM**

PRESENT: Cr Gavin Gamble (Mayor), Cr Helena Kirby (Deputy Mayor), Cr Les Rowe, Cr Owen Sharkey, Cr Brett Cunningham, Cr Clayton Whitfield

APOLOGIES: Cr Ian Getsom

IN ATTENDANCE: Eric Braslis (CEO), Phil Josipovic (Director Infrastructure and Development), Simon Rennie (Director Corporate Services), Rosie Wright (Coordinator Governance and Risk), Sophie Brown (Governance and Legal Services Specialist)

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

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar people. We acknowledge them as the Traditional Owners and Custodians. Council pays its respects to Wadawurrung Elders past, present and emerging. Council also respects Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of the Golden Plains Shire.

3 APOLOGIES AND LEAVE OF ABSENCE

- Cr Ian Getsom is an apology for this Council meeting.
- Cr Clayton Whitfield requested a leave of absence from 31st August – 14th September 2022.

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Brett Cunningham

That the minutes of the Ordinary Council Meeting held on 26 July 2022 and the Special Council Meeting held on 29 July 2022 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

CEO Eric Braslis declared a material conflict of interest in item 10.3 under Section 128 of the Local Government Act 2020. The nature of the interest being that this item relates to the CEO's employment contract. Eric Braslis was absent whilst this matter was being discussed and considered.

Mayor Cr Gavin Gamble declared a general conflict of interest in item 7.8 under Section 127 of the Local Government Act 2020. The nature of the interest being that Mayor Cr Gavin Gamble previously worked for the proponent. Mayor Cr Gavin Gamble was absent whilst this matter was being discussed and considered.

6 PUBLIC QUESTION TIME

The Mayor made the following statement:

"Public question time runs for 30 minutes prior to consideration of the formal Agenda by Council. We consider questions received with notice from the public. I will call each person who submitted a question with notice forward. Please come up to the Chair and ask your question as it was submitted. I note that question time is not an opportunity to make general statements or enter into debate with Council or officers."

The following public question was read by Graham Turnbull.

Question

"Now that we've purchased the church, what is the intended use going to be?"

Response

The following response was read by Eric Braslis, CEO:

"As you know on 30th July Council purchased a property at 66 Brooke Street, Smythesdale which includes the St Mary's Church at public auction. The property is located adjacent to The Well where we are meeting tonight. This is Council's facility not only to our Customer Hub but also to our Maternal Child Health services, library outreach services, community rooms, the Digital Hub, pharmacy and medical centre. Noting the growth of Smythesdale and the surrounding communities, Council recognises the acquisition of this land as being a strategic opportunity for the future. Following finalisation of the purchase, Council will explore future options for the property. At this early stage, Council does not have specific plans for the church, however it is noted that the site is covered by a heritage overlay. Council will in the future, as part of its decision making process, likely have decisions made in consultation with the broader community."

7 BUSINESS REPORTS FOR DECISION

7.1 CITIZEN RECOGNITION AWARD

Golden Plains Shire is proud to recognise the fantastic achievements and contributions made by young people in the community. We are fortunate today to present a Citizen Recognition Award to Lachlan O'Keefe who is being recognised for his achievement in sport.

Lachlan is 17 years old, lives in Smythes Creek and has been involved in athletics high jump for six years. Lachlan was selected for the Australian team for the World Athletics Under-20 Championships that is being held in Colombia in August 2022.

7.2 DELEGATES REPORT

EXECUTIVE SUMMARY

At each Council meeting, Councillors have the opportunity to update their colleagues and the community about attendances at various Delegated Boards/Committees/Meetings that they attended on behalf of the Council and can acknowledge significant community events or Council functions / engagement opportunities that they have attended over the past month.

RESOLUTION

Moved: Cr Brett Cunningham
Seconded: Cr Helena Kirby

That Council receive and note the Delegates Report for the past month.

CARRIED

7.3 COUNCIL PLAN 2021-2025 IMPLEMENTATION - QUARTER FOUR

EXECUTIVE SUMMARY

This report is to update Council on the progress made in actioning the Council Plan 2021-2025 for Quarter 4.

RESOLUTION

Moved: Cr Clayton Whitfield
Seconded: Cr Brett Cunningham

That Council note the report and implementation of the actions contained in the Council Plan 2021-2025 for Quarter 4 from 1 April 2022 30 June 2022.

CARRIED

7.4 CLIMATE EMERGENCY PLAN - FOR EXHIBITION

EXECUTIVE SUMMARY

In July 2021, Council declared a Climate Emergency and committed to the development of a Climate Emergency Plan (the Plan).

Since the declaration, Officers have undertaken community engagement, analysed feedback and drafted the Plan. The Plan aligns with themes and objectives in the 2021-2025 Council Plan, Council's Environment Strategy 2019-2027 as well as the Local Government Act 2020 and Climate Change Act 2017.

There is a strong imperative for Council to reduce emissions and prepare for the changing climate given the expected impact on Council's operations, assets and the health and wellbeing of the Golden Plains Shire community.

To demonstrate Council's commitment and drive the response to the climate emergency, Officers recommend the endorsement of the Draft Climate Emergency Plan 2022-2032 and that it be placed on public exhibition.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Helena Kirby

That Council:

1. Endorses the Draft Climate Emergency Plan and places the Draft on exhibition for community comment for a period of 4 weeks.
2. Note officers will present a final Draft Climate Emergency Plan for Council adoption having considered any public submissions received.

CARRIED

7.5 DRAFT ECONOMIC DEVELOPMENT, TOURISM & INVESTMENT ATTRACTION STRATEGY 2022 - 2032

EXECUTIVE SUMMARY

The Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 will give Council a direction to guide the future prosperity of Golden Plains Shire over the next 10 years.

The role of economic development in Golden Plains Shire is required to support our business communities, agricultural sector and tourism sectors while having regard for social, environmental and economic outcomes.

It is recommended the draft Strategy be placed on public exhibition for feedback from our community commencing the 25 August 2022.

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Helena Kirby

That Council endorse the Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 for public exhibition.

CARRIED

7.6 WOODY YALOOK EQUESTRIAN CENTRE MASTERPLAN 2022-2032

EXECUTIVE SUMMARY

Council has engaged SBP Advisory to consult with community stakeholders on current facility provision, identify demand and possible future facility improvements through the development of a Masterplan (Attachment 1) for the Woody Yaloak Equestrian Centre in Smythesdale.

Extensive community engagement to develop the Masterplan was undertaken with 73 community survey responses submitted during April and May 2022. The engagement processes demonstrated a strong interest in equestrian and the Woody Yaloak facility in Golden Plains Shire. The Woody Yaloak Equestrian Centre Committee of Management was provided with two in-person sessions and a three week follow up process to provide feedback on potential improvements and designs.

The master planning process has been supported by a detailed evidence base (Research Report provided as Attachment 2) and will inform strategic planning and development of priorities for future infrastructure and programming opportunities at the Woody Yaloak Equestrian Centre for the period 2022-2032. The Masterplan provides clear and prioritised recommendations across six different categories. It is backed by evidence of community need, benefit and sustainability and will assist in the scoping of funding/grant opportunities to deliver the potential future upgrades and increase participation.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That Council:

1. Adopt the Woody Yaloak Equestrian Centre Masterplan 2022–2032.
2. Note the Woody Yaloak Equestrian Centre Background Research Report.

CARRIED

7.7 GOVERNANCE RULES - FOR ADOPTION

EXECUTIVE SUMMARY

Council is required to develop, adopt and keep in force Governance Rules, pursuant to section 60 of the *Local Government Act 2020* ('the Act'). At its 27 July 2022 Council meeting, Council endorsed the draft Governance Rules to commence community engagement, as required by section 60(4) of the Act.

The draft Governance Rules were placed on public exhibition for three weeks, with one submission received. Minor changes have been made to the draft and the Governance Rules are now recommended to Council for adoption. As the matters considered by the Public Participation in Council Meetings policy are now provided for in the Governance Rules, this policy is also presented to be revoked.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council:

1. Note that the proposed amendments to the Governance Rules were placed on public exhibition for three weeks, with one submission received.
2. Receive and note the submission received on the Governance Rules.
3. Revoke the Public Participation in Council Meetings policy (attachment 2), as these matters are provided for in Chapter 2 Division 7 of the Governance Rules (attachment 1).
4. Adopts the Governance Rules (attachment 1).

CARRIED

7.8 P22005 1960 HAMILTON HIGHWAY, MURGHEBOLUC (DWELLING)

Mayor Cr Gavin Gamble declared a general conflict of interest in item 7.8 under Section 127 of the Local Government Act 2020. The nature of the interest being that Mayor Cr Gavin Gamble previously worked for the proponent. Mayor Cr Gavin Gamble was absent whilst this matter was being discussed and considered.

At 7.03pm, Mayor Cr Gavin Gamble left the meeting. Deputy Mayor Cr Helena Kirby assumed the Chair.

Speaker

Tim Knight (Applicant)

EXECUTIVE SUMMARY

The report provides a background to the application and a summary of the relevant planning considerations. Councillors have also been provided with a full copy of the application for consideration prior to making a decision.

This report relates to a planning permit application for the use of the land (Dwelling) under clause 35.07-1 (FZ), construction of buildings, works associated with a section 2 use under clause 35.07-4 (FZ), construction of buildings and works under clause 42.03-2 (SLO3), construct and carry out works associated with new access under clause 44.04-2 (LSIO) and creation of access to a road in a Transport 2 Zone under clause 52.29 (Land adjacent to the principal road network).

The application was advertised to adjoining properties and one sign on site. No objections were received to the application. The application has been called in by two Councillors to a Council Meeting for a determination in accordance with the Consideration of Planning Applications Policy and Procedure. The issue of a Notice of a Refusal to grant a planning permit is recommended, as per the proposed grounds of refusal.

RESOLUTION

Moved: Cr Les Rowe
Seconded: Cr Clayton Whitfield

That Council resolves to issue a Planning Permit P22005 for the use and development of a dwelling and shed and associated works pursuant to the provisions of the Farming Zone (Clauses 35.07-1 & 35.07-4), SLO3 (Clause 42.03-2) & SMO (Clause 44.02-1) and to create access to a road in a Transport Zone 2 pursuant to Clause 52.29 of the planning scheme at Lot 1 on Title Plan 964521E (at 1960 Hamilton Highway, Murgheboluc), subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Details of all external materials and finishes, including roofing. External materials and finishes must be muted tones and non-reflective to assist in visually blending the building within the surrounding natural landscape and preserving the character and visual amenity of the area.
 - b. Elevation plans for the shed to nominate orientation (north, south, east, and west).
 - c. Site plans to include the provision of shade and shelter for the stock.
 - d. Site plan clearly outlining paddocks and fencing.
 - e. A domestic envelope (showing dwelling associated car parking and shedding) to be

clearly marked on the plans, to minimise the domestic use of the land.

- f. Water quality is protected by 30 m fenced buffers to all waterways (as defined by the Water Act 1989), details to included location and type of fence (height and materials).

Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Farm Management Plan

3. The use of the land must be conducted in accordance with the endorsed Farm Management Plan and the recommended actions outlined in the plan carried out to the satisfaction of the responsible authority.

Section 173 Agreement

4. Before the use starts, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987 to provide for the following:
 - a. the use of the land for a dwelling must be carried out in accordance with the endorsed Farm Management Plan to the satisfaction of the responsible authority, unless otherwise approved in writing by the responsible authority.

Application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

General

5. All external materials to be used in the construction of the dwelling, must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area.
6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
7. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
8. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
9. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

Expiry

10. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of issue.
 - b. The use is not started and the development is not completed within four years of the date of issue.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (or twelve months after the permit expires for a request to extend the time to complete the development).

CARRIED

At 7.29pm, Mayor Cr Gavin Gamble resumed the chair.

7.9 FINANCE POLICY UPDATES

EXECUTIVE SUMMARY

After the successful completion of the COVID19 financial hardship support package, the Financial Hardship Policy has been reviewed to incorporate findings from the Victorian Ombudsman review in 2021 and guidelines from the Local Government of Victorian and FinPro working group.

Council's Borrowing Policy has been reviewed to reference to new *Local Government Act 2020*, expand the borrowing principles and procedures and include new sections to provide clarity on the loan approval and borrowing redemption processes.

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Helena Kirby

That Council review and endorse the updated Financial Hardship Policy and updated Borrowing Policy.

CARRIED

7.10 TENDER FOR ROADSIDE SLASHING AND GUIDEPOST MAINTENANCE - GPSC-RFT-05-2022

EXECUTIVE SUMMARY

Golden Plains Shire Council is seeking qualified and experienced contractors to complete Roadside Slashing, Township Maintenance, Mowing and Guidepost Spraying across approximately 840km of road reserves within the municipality. For the purpose of this Contract the municipality is divided into two (2) areas North Zone and South Zone and the contract will exclude Township Contract Mowing in the South Zone.

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Brett Cunningham

That Council:

1. Resolves to award the Contract GPSC-RFT-05-2022-Roadside Slashing, Town Maintenance, Mowing and Guidepost Spraying project to TMC Enviro for the initial term of 3 years with 2 x 12-month extension options to extend at Council's discretion based on the schedule of rates.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

CARRIED

7.11 TENDER FOR SUPPLY OF BITUMEN EMULSION - GPSC-RFT-04-2022**EXECUTIVE SUMMARY**

Golden Plains Shire tendered for the manufacture and supply of Bitumen Emulsion CRS/60 (must comply with AS1160) for road maintenance purposes.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Les Rowe

That Council:

1. Resolves to award the Contract GPSC-RFT-04-2022- Bitumen Emulsion C60 supply to Sami Bitumen Technologies Pty Ltd for the initial term of three years, with 2 x 12-month options to extend at Council's discretion based on the schedule of rates, commencing at \$1.06 per litre (subject to rise and fall).
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

CARRIED

7.12 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

EXECUTIVE SUMMARY

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in February 2022. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Planning team.

It is recommended that Council consider and adopt the revised Instrument, as shown at Attachment 1.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987* and other legislation referred to in the attached Instrument of Appointment (the 'instrument'), Golden Plains Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Council's Governance Rules.
3. The instrument comes into force immediately once the Common Seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 22 February 2022 is revoked.

CARRIED

7.13 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER FOUR ENDING 30 JUNE 2022

EXECUTIVE SUMMARY

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for quarter four of 2021/22. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council. Providing regular updates throughout the year on the Councillor attendance at meetings enables enhanced transparency rather than one annual update as reported in Council's annual report.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council note the contents of the Councillor Expenses and attendance report for quarter four of 2021/22.

CARRIED

7.14 MEETING RECORD

EXECUTIVE SUMMARY

To receive any Meeting Records that disclose any conflict of interests declared since the previous Council meeting.

RESOLUTION

Moved: Cr Clayton Whitfield
Seconded: Cr Brett Cunningham

That Council receive and note the Meeting Record from 16 August 2022 as attached.

CARRIED

PROCEDURAL MOTION

RESOLUTION

Moved: Cr Helena Kirby
Seconded: Cr Les Rowe

That Council adjourn the meeting for five minutes to take a break.

CARRIED

The meeting was adjourned at 7:56pm and returned at 8:01pm.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION - COUNCILLOR INTERACTIONS WITH DEVELOPERS

RESOLUTION

Moved: Cr Brett Cunningham
Seconded: Cr Clayton Whitfield

That Golden Plains Shire Council requests a report to a Councillor Briefing (within the next 6 months) investigating the creation of an applicable policy and introduction of a register of councillor interactions with developers.

CARRIED

8.2 NOTICE OF MOTION - COST & RESOURCE IMPLICATIONS OF REDUCING INTERVENTION LEVELS FOR MAINTENANCE OF LOCAL SEALED & UNSEALED ROADS

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Owen Sharkey

That Council request officers to prepare a briefing paper by November 2022 on the cost and resource implications of reducing intervention levels for maintenance of local sealed and unsealed roads.

CARRIED

At 8.18pm, Mayor Cr Gavin Gamble vacated the chair to address his Notice of Motion, Item 8.3. Cr Helena Kirby, Deputy Mayor, assumed the chair.

8.3 NOTICE OF MOTION - HOUSING

RESOLUTION

Moved: Cr Gavin Gamble

Seconded: Cr Brett Cunningham

Whilst it is noted and commendable that a report is being prepared by officers to come to Council in the coming months in relation to social and affordable housing and work being done in partnership with other agencies to increase the supply of such housing in Golden Plains Shire, this motion requests a report be prepared to consider and advise on broader opportunities for Council to:

1. Facilitate a greater diversity of housing choice and availability in the shire, including independent living options for older people and people with disability;
2. Attract philanthropic housing organisations to the shire to deliver greater local housing choice; and
3. Work with external agencies including government, philanthropic and / or religious organisations in facilitating the above.

LOST

At 8.37pm, Mayor Cr Gavin Gamble resumed the chair.

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

RESOLUTION

Moved: Cr Les Rowe
Seconded: Cr Helena Kirby

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66 of the Local Government Act 2020:

10.1 Confirmation of Confidential Council Meeting Minutes - 26 July 2022

This matter is considered to be confidential under Section 3(1) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

10.2 Lease Agreement

This matter is considered to be confidential under Section 3(1) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

10.3 CEO Contract

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

CARRIED

PROCEDURAL MOTION

RESOLUTION

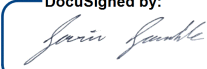
Moved: Cr Les Rowe
Seconded: Cr Brett Cunningham

That Council moves out of Closed Council into Open Council.

CARRIED

The Meeting closed at 9.42pm.

The minutes of this meeting were confirmed at the Council Meeting held on 27 September 2022.

DocuSigned by:

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CHAIRPERSON