



MINUTES

Council Meeting

6.00pm Tuesday 25 October 2022

VENUE:
Linton Shire Hall
Council Chamber
68 Sussex St, Linton

NEXT COUNCIL MEETING
6.00pm Tuesday 15 November 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 LINTON SHIRE HALL, COUNCIL CHAMBER, 68 SUSSEX ST, LINTON
ON TUESDAY, 25 OCTOBER 2022 AT 6.00PM**

PRESENT: Cr Gavin Gamble (Mayor), Cr Les Rowe, Cr Owen Sharkey, Cr Brett Cunningham, Cr Ian Getsom, Cr Clayton Whitfield

IN ATTENDANCE: Eric Braslis (CEO), Ben Jordan (Acting Director Infrastructure and Environment), Fiona Rae (Acting Director Corporate Services), Steven Sagona (Director Community, Planning and Growth), Sophie Brown (Governance and Risk Specialist), Rosie Wright (Coordinator Governance and Risk)

APOLOGIES: Cr Helena Kirby (Deputy Mayor)

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 Peoples.

Council acknowledges them as the Traditional Owners and Custodians and pays its respects to both Wadawurrung and Eastern Maar Elders past, present and emerging.

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

3 APOLOGIES AND LEAVE OF ABSENCE

Cr Helena Kirby is an apology for this meeting.

LEAVE OF ABSENCE

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Clayton Whitfield

That Cr Cunningham be granted a leave of absence from 4 November to 18 November, noting that he has received approval in accordance with the Governance Rules to virtually attend the 15 November Statutory Council meeting.

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Ian Getsom

Seconded: Cr Brett Cunningham

That the minutes of the Scheduled Council Meeting held on 27 September 2022 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Owen Sharkey declared a material conflict of interest in relation to item 7.2 under Section 128 of the Local Government Act 2020. The nature of the interest being that this item relates to a personal planning item. Cr Sharkey was absent whilst this matter was being discussed and considered.

CEO Eric Braslis declared a material conflict of interest in relation to item 10.1 under Section 128 of the Local Government Act 2020. The nature of the interest being that this item relates to his employment conditions. Eric Braslis was absent whilst this matter was being discussed and considered.

6 PUBLIC QUESTION TIME

Nil

7 BUSINESS REPORTS FOR DECISION

7.1 DELEGATES REPORT & INFORMAL MEETINGS OF COUNCILLORS RECORDS

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. This report contains records of informal meetings of Councillors as defined under Rule 1 of Chapter 5 of Council's Governance Rules.

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Ian Getsom

That Council receive and note the Delegates Report and Informal Meetings of Councillors for the past month.

CARRIED

7.2 P22145 48 DARUMA WAY, BATESFORD (2 LOT SUBDIVISION & COVENANT VARIATION)

At 6:21 pm, Cr Owen Sharkey left the meeting, due to a declared conflict of interest.

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Ian Getsom

That Council resolves to issue a planning permit for a two (2) lot subdivision and covenant variation at 48 Daruma Way, Batesford subject to the conditions attached to this report.

CARRIED

At 6:37 pm, Cr Owen Sharkey returned to the meeting.

7.3 ANNUAL REPORT 2021/2022

EXECUTIVE SUMMARY

Under Section 133(1) of the *Local Government Act 2020* (the Act), Council must prepare an Annual Report every financial year and present the Annual Report at a Council Meeting open to the public by 31 October. The Act also requires that Council give public notice that the Annual Report has been prepared and can be inspected at the Council office and on Council's website.

The unqualified Audit opinions on the Performance Statement 2021/22 and Financial Statements 2021/22 are included in the document and disclose an overall surplus of \$6.0 million, an Adjusted Underlying Result of (\$0.86) million deficit and capital expenditure on assets of \$14.4 million.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council receive the Golden Plains Shire Council Annual Report 2021/22, in accordance with the *Local Government Act 2020*.

CARRIED

7.4 IN-PRINCIPLE PERFORMANCE STATEMENT AND IN-PRINCIPLE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

EXECUTIVE SUMMARY

This report is for Council to approve in principle the Financial Statements and Performance Statement as attached, and two Councillors to certify these statements in accordance with Section 99 of the *Local Government Act 2020*.

Due to the tight timeline in approving the 'In Principle' Performance Statement and 'In Principle' Financial Statements following completion of the audit, it is necessary to authorise two Councillor representatives of Council to certify them. At the Council meeting of 19 July 2022 Council resolved this approval.

The Financial Statements and Performance Statement are approved 'In Principle', being approval of the statements subject to the Victoria Auditor-General's Office (VAGO) clearance and no material changes to the accounts are presented, which is consistent with the approach adopted in prior years and also by other Councils. Any material changes require approval from the Audit and Risk Committee.

The Financial Statements and Performance Statement will be presented to the Audit and Risk Committee at the 20 October 2022 meeting for noting.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Owen Sharkey

That Council:

1. Approve the attached 2021-22 Annual Financial Statements and Performance Statement in principle, in accordance with section 99(2) of the *Local Government Act 2020* upon the statements being endorsed by Council's Audit and Risk Committee.
2. That due to External Audit's positive outcomes in the Management Letter recommend the 2021-22 financial statements to be certified.
3. Authorise Cr Gavin Gamble (Mayor) and Cr Clayton Whitfield to certify the final audited 2021-22 Financial Statements and Performance Statement on behalf of Council, in accordance with Section 99 of the *Local Government Act 2020*.

CARRIED

7.5 LOCAL GOVERNMENT PERFORMANCE REPORTING INDICATORS - END OF YEAR REPORT

EXECUTIVE SUMMARY

Council is required under the *Local Government Act 2020* and Local Government (Planning and Reporting) Regulations 2020 to report on its performance in accordance with the Local Government Performance Reporting Framework (LGPRF).

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and included in the Golden Plains Shire Council Annual Report.

The end of year report for the period 1 July 2021 to 30 June 2022 is provided for Council's information (Attachment 1).

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council receive the end of year report on the Local Government Performance Reporting Indicators (Attachment 1) for the period 1 July 2021 to 30 June 2022.

CARRIED

7.6 FINANCE QUARTER 4 UPDATE

EXECUTIVE SUMMARY

As at 30 June 2022, the Income Statement reports total operating revenue of \$52.6m and total operating expenditure of \$46.5m, which results in a year to date surplus of \$6.0m. This is \$1.5m unfavourable compared to the original budget, and \$252k unfavourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure (including commitments) of \$14.4m, which is \$3.7m below the original budget, and \$10.8m below the revised budget. The revised budget includes \$8.7m rolled forward for projects.

The Quarter 4 report will be presented to the Audit and Risk Committee at the 20 October 2022 meeting for noting.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council note the content in the Quarter 4 (Final Quarter) Finance Report for the 12 months ended 30 June 2022.

CARRIED

7.7 CLIMATE EMERGENCY PLAN - FOR ADOPTION

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.

In August 2022, Council endorsed the Draft Climate Emergency Plan 2022-2032 which was then placed on public exhibition from Thursday 25 August to Thursday 22 September. During this time Council received two submissions. The information received in these submissions was reviewed by Council Officers and, where possible, incorporated into the Plan.

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 adoption of the Draft Climate Emergency Plan 2022-2032.

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Ian Getsom

That Council:

1. Note the public submissions received regarding the draft Climate Emergency Plan.
2. Adopt the Climate Emergency Plan 2022-2032 as attached.

CARRIED

7.8 INVERLEIGH TREE SUCCESSION PLAN

EXECUTIVE SUMMARY

The condition of the trees in the east and west entrances to Inverleigh township is mixed with many requiring significant works to be maintained and others in such poor condition that they will need to be removed and replaced.

In order to take a strategic approach to managing this significant set of assets and to ensure an attractive and maintainable avenue of trees, an Inverleigh Tree Succession Plan (the Plan) has been developed. This Plan looks to provide the best way forward in renewing the trees along the east and west entrances to Inverleigh.

The Plan incorporates results from community consultation as well as professional recommendations from internal and external Arborists for tree removal, management and establishment. Officers recommend Council endorse the Inverleigh Tree Succession Plan for public exhibition and community feedback.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Ian Getsom

That Council

1. Endorses the Inverleigh Tree Succession Plan for public exhibition and community feedback.
2. Note that further engagement to determine the tree species to be planted at the eastern entrance to Inverleigh will be undertaken.

CARRIED

7.9 DON WALLACE RECREATION RESERVE MASTERPLAN

EXECUTIVE SUMMARY

Council has engaged True Resource Group to consult with community stakeholders on current facility provisions at the Don Wallace Recreation Reserve, identify the demand for possible future facility improvements and explore future participation opportunities through the development of an updated Masterplan (Attachment 1) for the reserve in Teesdale.

An extensive community engagement process to develop this Masterplan update was undertaken, with the engagement process demonstrating strong community interest in this reserve, and the current and future opportunities for participation and facility activation. The Don Wallace Recreation Reserve Committee of Management took part in face to face and telephone sessions, with further one to one discussions occurring with key user groups, the local primary school, and several Council Officers.

This process has been supported by a detailed research piece and evidence base, and will inform strategic planning, investment and priorities for future infrastructure and programming opportunities for the period 2022-2032. The Masterplan provides clear and prioritised recommendations and is supported by evidence of community need, benefit and sustainability, and will assist in the scoping of potential funding/grant opportunities which aim to deliver facility improvements and increase participation.

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Ian Getsom

That Council adopt the updated Don Wallace Recreation Reserve Masterplan as attached.

CARRIED

7.10 ECONOMIC DEVELOPMENT, TOURISM & INVESTMENT ATTRACTION STRATEGY 2022 - 2032

EXECUTIVE SUMMARY

The 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 to support our business communities, agricultural sector and tourism sectors while having regard for social, environmental and economic outcomes. Following public exhibition of the document, it is now recommended that Council adopt the Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 as attached.

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Owen Sharkey

That Council adopt the Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 as attached.

CARRIED

7.11 SURPLUS COUNCIL LAND IN BATESFORD

EXECUTIVE SUMMARY

Council owns a narrow strip of land in the Dog Rocks North Estate in Batesford which is unutilised for any Council or public purpose. The land appears best suited for sale. In order to commence the statutory process to sell, a planning permit needs to be obtained to remove the reserved status of the block, and Council is required to comply with section 114 of the Local Government Act 2020 which sets out the legislative process for the sale of Council land.

This matter was deferred from the Council meeting of 27 September 2022.

MOTION

Moved: Cr Owen Sharkey

Seconded: Cr Brett Cunningham

That Council:

1. Conduct a community engagement process on the possible sale of the three parcels identified, being property numbers 91001072, 91001097 and 91001013.
2. Consider submissions and hear any submitters wishing to be heard at a future meeting of Council.

LOST

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Clayton Whitfield

That Council:

1. Conduct a community engagement process on the possible sale of the reserve identified on Daruma Way between numbers 45 and 39, being property number 91001013.
2. Consider submissions and hear any submitters wishing to be heard at a future meeting of Council.

The motion was CARRIED

A division was called.

In Favour: Crs Gavin Gamble, Brett Cunningham, Ian Getsom and Clayton Whitfield

Against: Crs Les Rowe and Owen Sharkey

CARRIED 4/2

AMENDMENT

Moved: Cr Owen Sharkey

That a third point be added, to conduct a community engagement process on the two parcels identified being property numbers 91001072 and 91001097

The amendment lapsed for want of a seconder.

7.12 FLAG POLICY REVIEW

EXECUTIVE SUMMARY

Council's Flag Policy is due for review pursuant to section 5.2 of the Policy and Procedures Framework. Some minor, policy neutral updates were proposed to the Flag Policy at the July 2022 Council meeting, with Council resolving to defer consideration pending a more extensive review of the policy. This has now been undertaken and a new Flag Policy is now proposed for Council's consideration. The draft Flag Policy (attached) is wider in scope than the existing policy, setting out guidelines and procedures in relation to the display of flags during official council occasions, outside Council's customer hubs, at other council-managed sites, and at council-owned sites managed by other entities.

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Brett Cunningham

That Council adopt the Flag Policy as attached.

CARRIED

7.13 AUDIT & RISK COMMITTEE REPORT - 20 OCTOBER 2022

EXECUTIVE SUMMARY

This report is being submitted to Council to provide a summary of business considered at the 20 October 2022 meeting of the Audit & Risk Committee.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 20 October 2022.

CARRIED

7.14 AUDIT AND RISK COMMITTEE - ANNUAL PERFORMANCE REVIEW

EXECUTIVE SUMMARY

Under section 13 of Golden Plains Shire Council's adopted Audit and Risk Committee Charter and in accordance with the Local Government Act, the Committee is required to complete an annual assessment of its performance, which is to be tabled at the next Council meeting. Following the completion of the self-assessment at the October Audit and Risk Committee meeting, this report presents the outcomes for 2021/22.

The results from the 2021/22 self-assessment indicates that the committee members are satisfied with the performance of the Committee throughout 2021/22. The average result for all eight areas was rated at 97.1% 'adequate' or above.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council notes:

1. The Audit and Risk Committee's self-assessment report for the 2021/22 year.
2. The areas that have improved from last year and opportunities for continual improvement.

CARRIED

7.15 REVIEW INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

EXECUTIVE SUMMARY

The legislation referred to in the attached *Instrument of Delegation – Council to Members of Council Staff* (Attachment 1) enables Council to delegate functions, duties and powers, other than specific exemptions, to Council staff.

One updated instrument of delegation is presented for Council's adoption:

- *Instrument of Delegation – Council to Members of Staff* (Attachment 1)

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Owen Sharkey

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Golden Plains Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation – Council to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
2. The instrument comes into force immediately once the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous versions of the same are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED

7.16 MEREDITH MULTI PLAY SPACE - TENDER REPORT

EXECUTIVE SUMMARY

Golden Plains Shire Council wishes to engage suitably qualified and experienced consultants/contractors to undertake the design and construction services of the Meredith Multi Play Space precinct, in accordance with the requirements in the tender specifications.

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Owen Sharkey

That Council:

1. Resolves to award Contract GPSC-RFT-23-2022-Meredith Multi Play Space project to Convic Pty Ltd for the sum of \$670,939.65 exclusive of GST, and for the initial term of eight [8] months.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

CARRIED

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Ian Getsom

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 Chief Executive Officer Performance Review

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

RESOLUTION

Moved: Cr Ian Getsom

Seconded: Cr Les Rowe

That Council moves out of confidential into the open meeting.

CARRIED

The Meeting closed at 8:51pm.

The minutes of this meeting were confirmed at the Council Meeting held on 22 November 2022.

DocuSigned by:
Brett Cunningham
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CHAIRPERSON