



MINUTES

Council Meeting

6.00pm Tuesday 26 September 2023

VENUE:
The Well
19 Heales Street, Smythesdale

NEXT COUNCIL MEETING
6.00pm Tuesday 24 October 2023

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

Order Of Business

1	Opening Declaration	3
2	Acknowledgement of Country	3
3	Apologies and Leave of Absence	3
4	Confirmation of Minutes	3
5	Declaration of Conflict of Interest	3
6	Public Question Time	3
7	Business Reports for Decision	5
7.1	Delegates Report & Informal Meetings of Councillors Records	5
7.2	Smythesdale Gardens & Brewery Dam Reserve Master Plan	6
7.3	Finance Report Quarter 4 (Unaudited)	7
7.4	In-Principle Approval of the Annual Financial Statements 2022/23 and Performance Statement 2022/23.....	8
7.5	Adoption of Election Period Policy.....	9
7.6	Review of Instrument of Appointment and Authorisation - Planning & Environment Act 1987	9
7.7	Audit and Risk Committee Biannual Report (February and May 2023).....	10
7.8	Audit and Risk Committee Meeting Minutes - 12 September 2023.....	10
7.9	Audit and Risk Committee Performance Assessment 2022/23.....	11
8	Notices of Motion	11
9	Petitions	11
9.1	Petition - Advance Meredith Association Inc.....	11
10	Confidential Reports for Decision	12
10.1	Reappointment of Audit and Risk Committee Independent Member.....	12
10.2	Tender for Jetpatcher Truck Replacement	12

**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE THE WELL, 19 HEALES STREET, SMYTHESDALE
ON TUESDAY, 26 SEPTEMBER 2023 AT 6.00PM**

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

ABSENT: Cr Les Rowe

IN ATTENDANCE: Eric Braslis (CEO), Phil Josipovic (Director Infrastructure and Environment), Leanne Wilson (Acting Director Community, Planning and Growth), Lynnere Gray (Director Corporate Services), Rosie Wright (Coordinator Governance and Risk)

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

Leave of Absence: Cr Les Rowe

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Gavin Gamble

That Council confirms the minutes of the Council Meeting held on Tuesday 22 August 2023..

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Nil

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 has submitted a question with notice forward. Please come up and ask your question, as it was submitted.

I note that question time is not an opportunity to make general statements or enter into a debate with Council or officers.

The following public question was read by Annie Cranby and answer provided by Leanne Wilson, Acting Director Community, Planning and Growth.

Question

In August 2021, a resolution to issue a notice of decision for an application for a 400,000-hen farm, a business type that is known to have significant risks for human health, animal welfare, and the climate, was voted against by four councillors, and council minutes note that the vote was lost, 3/4. At the subsequent meeting in September 2021, the applicant made a claim that council had not reached a decision to issue a permit, whereas the previous vote against the resolution indicated that council actually had. Whilst I commend Mayor Brett Cunningham on his continued vote against the resolution, why was the first resolution deemed non-binding, and why did the majority of councillors change their vote to one of approval?

Answer

At the August 2021 meeting, whilst Councillors debated the application, a definitive decision wasn't made. The permit applicant lodged an appeal at the Victorian Civil and Administrative Tribunal on the grounds of failure to determine the application within the prescribed time. The application was then brought to the September Council meeting for a position at the appeal, which was either to not support or support the application. Councillors determined to form the position of support.

The following public question was read by Annie Cranby and answer provided by Leanne Wilson, Acting Director Community, Planning and Growth.

Question

In 2022, 26 objections on animal welfare and environmental grounds were received by council in response to a planning application for a duck farm in Lethbridge. According to the delegates report, the applicant declined a meeting with these objectors, leaving the known welfare risks of ducks raised without access to dunking water, in longer, hotter and dryer summer seasons, unaddressed. In light of the risks to farmed animals as a result of the current climate emergency, what measures will council consider to assess and manage the environmental risks of such ventures in the future?

Answer

Council officers consider the relevant aspects of the planning scheme and associated codes and guidelines in relation to animal industries in determining planning applications, together with external agencies advice, such as the Department of Agriculture.

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 Gavin Gamble

Seconded: Cr Clayton Whitfield

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

CARRIED

7.2 SMYTHESDALE GARDENS & BREWERY DAM RESERVE MASTER PLAN

EXECUTIVE SUMMARY

Council has engaged the services of Insight Leisure Planning to prepare a Master Plan to guide future planning and development of Smythesdale Gardens & Brewery Dam Reserve.

Insight Leisure Planning has consulted with community stakeholders on current facility provisions, future facility improvements and recreation opportunities through the development of the Master Plan (Attachment 1) for Smythesdale Gardens & Brewery Dam Reserve.

An extensive community engagement process to develop the Master Plan was undertaken, with the Smythesdale Progress Association/Committee of Management (CoM) taking part in a site walk through and consultation session where they were given the opportunity to provide input in relation to site issues, constraints, ideas and suggestions for improvements. A workshop session was also facilitated with a selection of key Council Officers.

Council officers sought further community input via public exhibition of the Smythesdale Gardens and Brewery Dam Reserve Draft Master Plan which included an online survey from 26 July to 23 August 2023. Throughout this period, there were two submissions received as detailed in the Communications & Engagement Report (Attachment 2). The submissions were assessed with one minor addition made to the final Master Plan.

This process has been supported by a detailed research and evidence base, and will inform strategic planning, investment and priorities for future infrastructure and programming opportunities for the period 2023-2033. The Master Plan provides clear and prioritised recommendations to assist the Committee and Council to explore opportunities to source external grants and funding to support implementation.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Gavin Gamble

That Council adopt the Smythesdale Gardens & Brewery Dam Reserve Master Plan (Attachment 1).

CARRIED

7.3 FINANCE REPORT QUARTER 4 (UNAUDITED)

EXECUTIVE SUMMARY

At 30 June 2023, the Income Statement reports total operating revenue of \$55.6m and total operating expenditure of \$52.5m, which results in a year-to-date surplus of \$3.1m. This is \$4.8m unfavourable variance compared to budget.

The Capital Works Statement reports total capital works expenditure of \$12.8m, which is \$6m below the original budget, and \$14.6m below the revised budget. The revised budget includes \$9.5m rolled forward for projects.

The Quarter 4 Finance Update (unaudited) was presented to the Audit and Risk Committee at the 12 September 2023 meeting.

The draft underlying result is a deficit of \$5.3m compared to the underlying result from the Original Budget of \$100k, is a difference of \$5.4m. This is represented materially by:

- Landfill Rehabilitation Reserve movement \$493K
- Flood damage costs (net of grant received) \$2.1m*
- Reduced level of sales from Lomandra Drive \$1.8m
- Asset impairments and write-offs \$862K

**Claims continue to be lodged in accordance with the DFRA processes.*

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Clayton Whitfield

That Council:

1. Note the Quarter 4 Finance report for the 12 month period ending 30 June 2023.
2. Acknowledge the underlying deficit and receive a report to the November Councillor briefing to consider the financial implications on the Long Term Financial Plan and the implications on the preparation of the draft 24/25 Budget.

CARRIED

7.4 IN-PRINCIPLE APPROVAL OF THE ANNUAL FINANCIAL STATEMENTS 2022/23 AND PERFORMANCE STATEMENT 2022/23

EXECUTIVE SUMMARY

The financial statements and performance statement have been prepared by Council Officers and will be subject to a financial audit during the final audit visit by the Victorian Auditor-General's Office (VAGO) from 13-20 September 2023.

The statements will be reviewed by the Audit and Risk Committee on 3 October 2023 following the VAGO audit.

The performance statement includes results for 2022/23 and 2021/22. Councils are required to establish materiality thresholds to explain movements between reporting periods. If the current year result falls outside the materiality threshold range, Councils are required to explain the movement as a material variance.

Council is required under the Local Government (Planning and Reporting) Regulations to prepare the Governance and Management checklist, which is to be certified by the Mayor and Chief Executive Officer.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Owen Sharkey

That Council:

1. Gives in principle approval to the annual financial statements and performance statement for the financial year ended 30 June 2023.
2. Authorises the Mayor (or his deputy) and Cr Rowe (or his delegate) to certify the annual financial statements and performance statement for the financial year ended 30 June 2023.
3. Authorises the Mayor and Chief Executive Officer to certify the Governance and Management checklist.

CARRIED

7.5 ADOPTION OF ELECTION PERIOD POLICY

EXECUTIVE SUMMARY

Council must adopt an Election Period policy in accordance with section 69 of the Local Government Act 2020. The policy provides for the ways in which Council will operate to ensure fairness, transparency, and equity among candidates for Council elections.

Chapter 7 of Council's Governance Rules provide that the Election Period policy must be reviewed at least once in each Council term and no later than 12 months prior to the Election Period. As the Election Period policy forms part of Council's Governance Rules, community engagement was undertaken following endorsement from Council at its August meeting, with no submissions received.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Council adopt the Election Period policy, as attached.

CARRIED

7.6 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING & 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 August 2023. A review of the instrument has now been completed and updated to reflect staffing changes that have occurred in the Community, Planning and Growth directorate.

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

RESOLUTION

Moved: Cr Gavin Gamble

Seconded: Cr Clayton Whitfield

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 sign the instrument;
3. The instrument comes into force immediately upon being signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it; and
4. The previous instrument dated 22 August 2023 is revoked.

CARRIED

EN BLOC RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Ian Getsom

That the following items be resolved en bloc and that the recommendations in each item be adopted.

- 7.7 – Audit and Risk Committee Biannual Report (February and May 2023)
- 7.8 – Audit and Risk Committee Meeting Minutes – 12 September 2023
- 7.9 – Audit and Risk Committee Performance Assessment 2022/23

CARRIED

7.7 AUDIT AND RISK COMMITTEE BIANNUAL REPORT (FEBRUARY AND MAY 2023)**EXECUTIVE SUMMARY**

The Audit and Risk Committee's bi-annual report (Attachment 1) is provided in accordance with section 54(5) of the Local Government Act 2020 and section 13 of the Audit and Risk Committee Charter. It describes the activities of the Audit and Risk Committee for the second half of 2022-23 and includes Committee findings and recommendations.

RESOLUTION

That Council note the Audit and Risk Committee bi-annual report for February and May 2023 (Attachment 1), adopted by the Committee at its 12 September 2023 meeting.

Note: Refer to page 10 of the Minutes where this item was resolved en bloc.

7.8 AUDIT AND RISK COMMITTEE MEETING MINUTES - 12 SEPTEMBER 2023**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 12 September 2023 meeting of the Audit & Risk Committee.

The unconfirmed minutes are provided in Attachment 1 for Council's noting.

RESOLUTION

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 12 September 2023.

Note: Refer to page 10 of the Minutes where this item was resolved en bloc.

7.9 AUDIT AND RISK COMMITTEE PERFORMANCE ASSESSMENT 2022/23

EXECUTIVE SUMMARY

Under section 13 of Golden Plains Shire Council's adopted Audit and Risk Committee Charter and in accordance with section 54(4) of the Local Government Act, the Audit and Risk Committee (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, this report presents the outcomes for 2022/23.

The results from the 2022/23 self-assessment indicate that the Committee members are satisfied with the performance of the Committee throughout 2022/23, with the average result for all areas rated as 'adequate' or 'more than adequate'.

RESOLUTION

That Council:

1. Notes the Audit and Risk Committee's self-assessment report for the 2022/23 year.
2. Notes the areas that have improved from last year and opportunities for continual improvement.

Note: Refer to page 10 of the Minutes where this item was resolved *en bloc*.

8 NOTICES OF MOTION

Nil

9 PETITIONS

9.1 PETITION - ADVANCE MEREDITH ASSOCIATION INC

EXECUTIVE SUMMARY

A petition was submitted to Council on 12 September 2023. The petition relates to the condition of roads in Meredith and in the 3333 postcode district. The petition contained 292 signatures, of which 200 gave a Golden Plains Shire based location.

This petition has been received and is submitted to the Council in accordance with rule 37 of the Governance Rules.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Council:

1. Receive the petition; and
2. Refer the petition to the Chief Executive Officer for consideration and response.

CARRIED

10 CONFIDENTIAL REPORTS FOR DECISION

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

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 Reappointment of Audit and Risk Committee Independent Member

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.

10.2 Tender for Jetpatcher Truck Replacement

This matter is considered to be confidential under Section 3(1) - g and g(ii) 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 private commercial information, being information provided by a business, commercial or financial undertaking that—and or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

CARRIED

10.1 REAPPOINTMENT OF AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER

This item was considered in the Confidential part of the meeting and in accordance with the resolution, the resolution has been included in the public minutes of the meeting.

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Helena Kirby

That Council:

1. Resolves to reappoint Mr Phil Delahunty as an independent member of Council's Audit and Risk Committee for an additional three-year term expiring on 1 September 2026, as provided for under the Audit and Risk Committee Charter.
2. Determines that this resolution be deemed no longer confidential and will be included in the public minutes for the meeting, with the report to remain confidential.

CARRIED

10.2 TENDER FOR JETPATCHER TRUCK REPLACEMENT

This item was considered in the Confidential part of the meeting and in accordance with the resolution, part of the resolution has been included in the public minutes of the meeting.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That Council:

1. Resolves to award Contract RFQ-12-2023 – Jetpatcher Truck to ISUZU Australia Pty Ltd.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.
4. On the making of this decision, parts 1, 2 and 4 of the resolution are no longer confidential and are to be included in the public Minutes of this meeting. Part 3 of the resolution and the officer report remain confidential, in accordance with the *Local Government Act 2020*, section 3 - 'confidential information' (g)(ii).

CARRIED**RESOLUTION**

Moved: Cr Gavin Gamble

Seconded: Cr Helena Kirby

That Council reopens the Council meeting to the public.

CARRIED**The Meeting closed at 7.33pm.****The minutes of this meeting were confirmed at the Council Meeting held on 24 October 2023.**

DocuSigned by:
Brett Cunningham
F63C02901E404E9.....

CHAIRPERSON