

# MINUTES

## Council Meeting

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**6.00pm Tuesday 24 October 2023**

**VENUE:**  
**Golden Plains Civic Centre**  
**Council Chambers**  
**2 Pope Street, Bannockburn**

NEXT COUNCIL MEETING  
6.00pm Tuesday 21 November 2023

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**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE GOLDEN PLAINS CIVIC CENTRE, COUNCIL CHAMBERS, 2 POPE STREET,  
BANNOCKBURN  
ON TUESDAY, 24 OCTOBER 2023 AT 6.00PM**

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

**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**

Nil

## **4 CONFIRMATION OF MINUTES**

### **RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Helena Kirby

That the minutes and confidential minutes of the Scheduled Council Meeting held on 26 September 2023 be confirmed.

**CARRIED**

## 5 DECLARATION OF CONFLICT OF INTEREST

Cr Gavin Gamble declared a material conflict of interest in relation to item 8.4 under section 128 of the Local Government Act 2020. The nature of the interest was that the flood overlay area would potentially affect the ability or size of potential subdivision of Cr Gamble's property.

Cr Gamble was absent whilst item 8.4 was discussed and considered.

## 6 CITIZENSHIP CEREMONY

A formal Citizenship Ceremony will take place at the commencement of the Council Meeting.

## 7 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 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 a debate with Council or officers.*

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

### Question

*Noting the item 8.4 in tonight's Council Agenda, People for A Living Moorabool have recently raised with the Golden Plains Planning Department the issue of planning applications for dwellings next to waterways within the Moorabool River Catchment. I'd like to thank Cr Whitfield for facilitating a meeting with Council officers. People for A Living Moorabool has alerted officers to the differences in flood overlay reports from the Vicplan website and the Corangamite Catchment Management Authority Flood Portal which contains the latest flood modelling for this part of the Shire.*

*Given the risk to property and potentially life, along with the liability implications for Council if the latest flood modelling is not used in assessing the aforementioned applications, will Council commit to immediately beginning the process of adopting the Corangamite Catchment Management Authority modelling via a planning amendment for future assessments?*

*And the second question is, in the interim will Council commit to referring any building application in proximity to a waterway to the Corangamite Catchment Management Authority for assessment by that organisation? Given that it is our understanding this is the practice of several other Councils, even if the site is not directly under a Vicplan floodplain overlay.*

### Answer

*Council officers, when assessing planning applications, are required to utilise the zoning and overlay mapping located within the planning scheme.*

*In order to adopt flood modelling, Council is required to undertake a planning scheme amendment and undertake further modelling of the flood data to determine the extent of any new overlays to be included within the planning scheme, as was undertaken with item 8.4 on tonight's Agenda for Teesdale. This will require funding resource allocation through either Council funding or grant applications.*

*We are unable to refer applications that are not located within an adopted overlay to the Corangamite Catchment Management Authority for comment, as planning permits are required to be assessed by the controls within the planning scheme and Council can also only include conditions relevant to the requirements for a planning permit.*

*In terms of interim measures, Council will be writing to the Minister for Planning seeking an urgent review on how flood and land subject to inundation overlays are implemented into the scheme, and that these overlays should be treated the same as bushfire mapping and implemented without a formal planning scheme amendment.*

## **8 BUSINESS REPORTS FOR DECISION**

### **8.1 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 Clayton Whitfield

Seconded: Cr Helena Kirby

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

**CARRIED**

### **8.2 ANNUAL REPORT 2022/2023**

#### **EXECUTIVE SUMMARY**

In accordance with Section 133(1) of the *Local Government Act 2020*, Council is required to prepare an Annual Report each fiscal year, which must be presented at a public Council Meeting by 31 October. Additionally, the Act mandates the public notification of the report's availability for inspection, both at Council offices and on Council's website.

The Annual Report 2022/23 provides a comprehensive insight into the operations underpinning Golden Plains Shire Councils' success and expands on our achievements and performance in the 2022/23 financial year against the five community outcomes areas as set out in the Council Plan 2021-2025.

#### **RESOLUTION**

Moved: Cr Gavin Gamble

Seconded: Cr Clayton Whitfield

That Council receive the Golden Plains Shire Council Annual Report 2022/23, in accordance with the *Local Government Act 2020*.

**CARRIED**

### **8.3 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 the LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis. Additionally, the Performance Statement (which is a sub-set of these indicators) are included in the Golden Plains Shire Council Annual Report.

The end of year report for the period 1 July 2022 to 30 June 2023 is provided for Council's information (Attachment 1).

#### **RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Councillors receive the end of year report on the Local Government Performance Reporting Indicators for the period 1 July 2022 to 30 June 2023, as attached.

**CARRIED**

At 7:02pm Cr Gavin Gamble left the meeting due to a declared conflict of interest.

### **8.4 AUTHORISATION OF PLANNING SCHEME AMENDMENT C104 - TEESDALE FLOOD STUDY**

#### **EXECUTIVE SUMMARY**

This report seeks adoption of the Teesdale Flood Risk Investigation Study and authority to prepare and exhibit an amendment to the Golden Plains Planning Scheme to amend the existing Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) mapping.

The study provides a detailed assessment of the Teesdale township floodplain and identifies where flooding may impact upon residents, properties and infrastructure. The study provides high quality up-to-date flood mapping that predicts flooding heights, and identifies high risk areas for flood warning and evacuation. The study assessed three mitigation options which were found not to be financially viable. The Municipal Flood Emergency Plan (MFEP) is also being updated with flood intelligence from this study.

#### **RESOLUTION**

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That Council:

1. Adopt the findings of the Teesdale Flood Risk Investigation Study (Water Technology Pty Ltd, 2023).
2. Authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme to modify the Land Subject to Inundation Overlay and Floodway Overlay Mapping in Teesdale.

**CARRIED**

At 7:09pm Cr Gavin Gamble returned to the meeting.

## 8.5 MOORABOOL RIVER RESERVE MASTERPLAN - ADOPTION

### EXECUTIVE SUMMARY

The Moorabool River Reserve is a 17 hectare public open space and conservation reserve in Batesford. A master plan has been developed by Council to guide the site's future development and management as a public open space and conservation reserve, following community and stakeholder engagement. The final master plan is presented to Council for adoption.

### RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Clayton Whitfield

That:

1. Council adopts the Moorabool River Reserve Masterplan as attached.
2. The CEO arrange for the Masterplan Action Tables set out in the Moorabool River Reserve Masterplan, be used to prepare a prioritised program of works for consideration in Council budgets over the next three years.

**CARRIED**

## 8.6 COUNCILLOR CODE OF CONDUCT - ADOPTION

### EXECUTIVE SUMMARY

Council must develop a Councillor Code of Conduct in accordance with section 139 of the Local Government Act 2020 (the 'Act'). Council previously adopted a Councillor Code of Conduct and a Councillor Dispute Resolution Policy on 23 February 2021, to meet the required implementation of the Act. A comprehensive review has been conducted of the Councillor Code of Conduct and the Councillor Dispute Resolution Policy, and a revised Councillor Code of Conduct is presented to the Council for adoption. The Councillor Dispute Resolution Policy has been integrated into the revised Code of Conduct and as such, can be revoked with the adoption of the revised Code of Conduct.

### RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Council:

1. Revoke the Councillor Dispute Resolution Policy 2021.
2. Adopt the revised Councillor Code of Conduct, as attached, in place of the previously adopted Councillor Code of Conduct 2021.

**The motion was LOST.**

### A division was called.

In Favour: Crs Gavin Gamble, Helena Kirby, Brett Cunningham and Clayton Whitfield

Against: Crs Les Rowe, Owen Sharkey and Ian Getsom

**LOST 4/3**

**(A two-thirds majority is required to adopt the Councillor Code of Conduct.)**

## 8.7 MEDIA AND COMMUNICATIONS POLICY - ADOPTION

### EXECUTIVE SUMMARY

The Media and Communications Policy has been reviewed and a draft presented to Council for feedback at its Strategic Meeting on 5 September 2023. Since that time, the Policy has been updated to improve the operation of the Policy and to provide clarity on its intent and attached for adoption by Council.

### RESOLUTION

Moved: Cr Gavin Gamble

Seconded: Cr Helena Kirby

That Council adopt the updated Media and Communications Policy as attached, in place of the previous Media Statements and Public Notice Policy.

**The motion was CARRIED.**

**A division was called.**

In Favour: Crs Gavin Gamble, Helena Kirby, Brett Cunningham and Clayton Whitfield

Against: Crs Les Rowe, Owen Sharkey and Ian Getsom

**CARRIED 4/3**

## 8.8 REVIEW OF INSTRUMENT OF DELEGATION - COUNCIL TO 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. Following a small change to the instrument and the associated delegated positions, it has been updated and is presented to Council for adoption.

### RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

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. Each duty and/or function and/or power in the instrument be delegated to the member of Council staff holding, acting in or performing the duties of the position referred to in the instrument, as shown in Attachment 1, subject to the conditions and limitations specified;
2. The Chief Executive Officer is authorised to sign the attached instrument of delegation;
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it, and must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. The previous instrument dated 23 May 2023 is revoked.

**CARRIED**



## **8.9 REVIEW OF INSTRUMENT OF DELEGATION - ENVIRONMENT PROTECTION ACT 2017**

### **EXECUTIVE SUMMARY**

The Instrument of Delegation of the Environment Protection Authority under the Environment Protection Act 2017 requires that members of Council staff holding, acting in or performing the duties of the position referred to in the instrument must be delegated through resolution of Council. The instrument was last reviewed and adopted by Council in November 2022. A review of that instrument has now been completed and updated to reflect organisational structure changes.

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

### **RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

By this Instrument of Sub-Delegation, in exercise of the power conferred by section 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 ('instrument'), Golden Plains Shire Council resolves that:

1. Each duty and/or function and/or power in the instrument be delegated to the member of Council staff holding, acting in or performing the duties of the position referred to in the instrument, as shown in Attachment 1;
2. The Chief Executive Officer is authorised to sign the attached instrument of delegation;
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it, and must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. The previous instrument dated 22 November 2022 is revoked.

**CARRIED**

**8.10 PANEL OF SUPPLIERS - ELECTRICAL SERVICES & MAINTENANCE WORKS****EXECUTIVE SUMMARY**

Golden Plains Shire Council wishes to engage a panel of suitably qualified contractors to undertake Electrical Services & Maintenance Works for Council.

**RESOLUTION**

Moved: Cr Gavin Gamble

Seconded: Cr Les Rowe

That Council:

1. Resolves to award the Contract GPSC-RFT-14-2023- Panel of Suppliers - Electrical Services & Maintenance Works for an initial period of three (3) years with two (2) x 12 month extensions at Council's discretion to:
  - a) Stack Electrical & Data Pty Ltd
  - b) G.T. Electrical Contractors Pty Ltd
  - c) Barwon Asset Solutions Pty Ltd.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

**CARRIED**

**9 NOTICES OF MOTION**

Nil

**10 PETITIONS**

Nil

**11 CONFIDENTIAL REPORTS FOR DECISION**


Nil

Mayor Cr Cunningham congratulated Cr Kirby on receiving a 15 year Councillor Service Award from MAV.

Mayor Cr Cunningham made a statement that as this was the final meeting he would be chairing in this term as Mayor, he would like to thank the CEO and the organisation for their support during his Mayoral term.

**The Meeting closed at 8:03pm.**

**The minutes of this meeting were confirmed at the Council Meeting held on 21 November 2023.**

DocuSigned by:  
  
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**CHAIRPERSON**