



MINUTES

Council Meeting

6.00pm Tuesday 26 March 2024

VENUE:
Linton Community Hub
Council Chamber
68 Sussex St, Linton

NEXT COUNCIL MEETING
6.00pm Tuesday 23 April 2024

Copies of Golden Plains Shire Council's Agendas & Minutes
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**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LINTON COMMUNITY HUB, COUNCIL CHAMBER, 68 SUSSEX ST, LINTON
ON TUESDAY, 26 MARCH 2024 AT 6.00PM**

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

IN ATTENDANCE: Eric Braslis (CEO), Phil Josipovic (Director Infrastructure and Development), Leanne Wilson (Acting Director Community, Planning & Growth), Lynnere Gray (Director Corporate Services) and Martin Walmsley (Governance & Risk Advisor)

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 Gavin Gamble

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Ian Getsom

That the minutes of the Confidential Council Meeting held on 19 December 2023 and the Ordinary and Confidential Council Meeting held on 27 February 2024 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Cunningham declared a general conflict of interest in relation to item 7.9 - Bannockburn Recreation Precinct (Dardel Drive) under Section 127 of the Local Government Act 2020. The nature of the interest being that Cr Cunningham has a family member who lives in the area and is an objector to the proposed project.

6 PUBLIC QUESTION TIME

The following public question was read by Daryl David.

Question

Would council consider the supply and installation of an NBN wifi service and its periphery in the hub, as this would go a long way towards helping the Linton and surrounding community in realising its fullest potential?

Answer

In accordance with the Tenancy Agreement, the tenants of the Linton Community Hub are more than welcome to pursue an alternative internet provider at their own cost.

The following public question was read by Daryl David. As we received like questions from Andrew Nichol on behalf of Denise Nichol and Kylie Turville the answer provided by Eric Braslis, Chief Executive Officer was in answer to those questions as well.

Question

What is council's plan for the future of the Linton Community Hub?

Answer

Council resolved a couple of years ago to try to activate the building. After a number of unsuccessful attempts, agreements were reached with 3 Community Groups to occupy and manage different parts of the building. Those arrangements were renewed in April 2023 for another 12 month period. The leases are nearing expiry and officers are working with those groups to determine if a new leases can be entered into, subject to the tenant groups being able to self-fund the basic building maintenance and utility costs in accordance with Council's resolution of 26 April 2023.

The following public question was read by Bev Harris and answer provided by Eric Braslis, Chief Executive Officer.

Question

Will council consider leasing the Linton Community Hub to the Linton and District Progress Association and in so doing give confidence to the local community for its continuing access and use?

Answer

As indicated in an earlier response, there is a current tenancy agreement with the Linton and District Historical Society, Linton and District Craft Group and Linton Community Inc.

The following public question was read by Bev Harris and the answer provided by Eric Braslis, Chief Executive Officer.

Question

If council is favourable to leasing the Linton Community Hub to the Linton and District Progress Association, will council provide a current financial statement of the outgoings of the running costs and maintenance of the hub?

Answer

If the Linton and District Progress Association is interested in leasing this building, the first step would be to register this interest in writing to Council and discuss potential arrangements with the current tenants.

The following public questions were read by Jennifer Cromarty and combined answer provided by Phil Josipovic, Director Infrastructure & Environment.

Question

Can Council consider and communicate to the Linton community, how the new Asset Management Policy will be applied to the Community Hub and its future use?

Question

In terms of the Community Hub here in Linton, can Council please explain how this Strategy relates to the engagement with the local community and management and use of the Community Hub?

Answer

During any negotiations for an extended lease/agreement at the Hub, as a community asset, the Asset Management Policy and Strategy will be considered and referenced. During lease discussions with current tenant groups, their views on future use will be also taken into consideration. It should be noted that the draft Asset Management Policy also provides that asset management decisions be cognisant of Council's financial sustainability.

The following public question was read by Michael Vogel and answer provided by Eric Braslis, Chief Executive Officer.

Question

As to the community's use and access of the Linton Community Hub - for complete transparency and equity of use, could Council please provide a list of Council-owned facilities being used by community in the Golden Plains Shire and include any agreements, memorandum of understanding or lease arrangements including whether any fees are currently being charged to the community?

Answer

As required under the Local Government Act, every Council is required to keep a register of leases and licences, however the particular details of each lease are not publicly available. In total Council has nearly 40 such agreements.

The following public question was read by Elizabeth Gillespie and answer provided by Lynnere Gray, Director Corporate Services.

Question

In your 'Complaints Handling Policy' - Number 11 'Records Management' it states – "All complaints are recorded in our Complaint Register. We analyse our complaint data and provide annual reports on how we can reduce complaints and improve services."

For how many years has Golden Plains Shire Council kept this 'Complaint Register'?

Answer

Council has kept the Complaint Register since the adoption of the Complaints Handling Policy in December 2021.

The following public question was read by Elizabeth Gillespie and answer provided by Lynnere Gray, Director Corporate Services.

Question

Has this 'Complaint Register' been called something else in the past, if so, what was it called?

Answer

The previous Complaints Handling Process (adopted 2019 until replaced in 2021 with the Complaints Handling Policy) did not include a requirement for a Complaints Register.

The following public question was read by Elizabeth Gillespie on behalf of Paul Stefanovic and answer provided by Leanne Wilson, Acting Director Community, Planning & Growth.

Question

Recently as a result of multiple complaints from my household about the noise, dust and fumes from neighbours incessantly riding motorbikes, Council commissioned a noise report from an acoustic expert. Can council explain on what criteria they determined the need to commission a further acoustic report from a different acoustic expert?

Answer

Council officers reviewed the report completed by Audiometric and Acoustic Services. In their view, the report contained a number of factual errors, incorrectly applied the legal framework set out in the Environment Protection Act 2017 (EP Act) and Environment Protection Regulations 2021 (Regulations) and lacks sufficient justification for its findings. Council then sought a review of this report by a secondary acoustic specialist.

The following public question was read by Elizabeth Gillespie on behalf of Paul Stefanovic and answer provided by Leanne Wilson, Acting Director Community, Planning & Growth.

Question

Other surrounding Councils have turned their minds to the reality of the nuisance, noise, fumes and dust caused by motorbike riding. Each of those councils have settled on a rule prohibiting motorbike riding within 500 metres of any dwelling.

Why did Golden Plains Shire Council fail to adopt the 500 metre rule?

Answer

Due to the make-up of the shire, being large areas of Rural Living Zone and Low Density Residential Areas, a 500 metre buffer was not practicable as many houses are located within 500 metres of a neighbouring property. In the Local Law review, Council received a large number of submissions stating that residents wanted the ability for them, their children or their grandchildren to ride motorbikes on their property. Council has limited the use of the motorbikes by introducing a set time limit (1 hour in LDRZ and 2 hours in RLZ) and also reducing the time permitted to ride to be more restrictive than EPA regulations (10am to 6pm).

The following public questions were read by Laurence Voyce and combined answer provided by Phil Josipovic, Director Infrastructure & Environment.

Question

Myself and some neighbours are concerned about dead trees overhanging Hewitts Rd, Linton. In the case of fire or high winds, access through Hewitts Rd could be compromised.

Answer

These types of requests are best reported through Council's Customer Experience team and logged on Council's Customer Request System. In this instance, we have done this on the requestors behalf and will provide an update once our maintenance teams have inspected the area.

Question

Traffic from Hewitts Rd to the Glenelg Highway can be a problem as the highway speed is 80km/hr. Sometimes oncoming traffic cannot be seen until you pull out. With a truck or a car and trailer this can be a hazard. Can the 80km/hr be moved 100m passed Hewitts Rd?

Answer

These types of requests are best reported through Council's Customer Experience team and logged on Council's Customer Request System. In this instance, we have done this on the requestors behalf and will provide an update once our maintenance teams have inspected the area.

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 they have 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.

MANDATORY BOARDS / COMMITTEES / MEETINGS

- Audit Committee
- G21 - Board of Directors
- Ballarat Regional Alliance of Councils
- Peri Urban Group of Rural Councils
- CEO Review Committee
- Municipal Association of Victoria
- Geelong Regional Library Corporation
- Tourism Greater Geelong and the Bellarine Board
- Golden Plains Emergency Management Committee
- Council Meeting, Strategic Briefing, Councillor Briefing and Portfolio Meetings

COMMUNITY ENGAGEMENT / EVENTS

RESOLUTION

Moved: Cr Ian Getsom

Seconded: Cr Owen Sharkey

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

CARRIED

7.2 P22324 - HAMILTON HIGHWAY, STONEHAVEN (ROCK CRUSHING)**AMENDMENT****MOTION**

Moved: Cr Owen Sharkey

Seconded: Cr Les Rowe

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for the purposes of extractive industry (rock crushing) and associated native vegetation removal pursuant to the provisions of the FZ (Clauses 35.07-1 & 35.07-4), ESO2 (Clause 42.01-2), SLO17 (Clause 42.03-2) & Clause 52.17 of the Planning Scheme, subject to the conditions attached to this report with amendment condition 10.

This permit only allows the extraction or removal of loose rock from the surface of the land for the primary purpose of land improvement for agriculture including pasture management. There must be no extraction of rock from below the surface using blasting, open cut or other mining methods.

CARRIED

7.3 P22325 - 114 MCKEES ROAD, GARIBALDI (CONTRACTOR'S DEPOT)**AMENDMENT****MOTION**

Moved: Cr Helena Kirby

Seconded: Cr Ian Getsom

That Council defer a decision until the next Council meeting.

LOST

MOTION

Moved: Cr Clayton Whitfield

Seconded: Cr Helena Kirby

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use of the land for the purposes of a contractor's depot at 114 McKees Road, Garibaldi pursuant to the provisions of the RAZ1 (Clause 35.08-1), subject to the conditions attached to this report.

CARRIED

7.4 ASSET MANAGEMENT STRATEGY & POLICY - PUBLIC EXHIBITION

EXECUTIVE SUMMARY

As part of Golden Plains Shire's commitment to responsible and sustainable management of its assets, the organisation has refreshed and updated the Asset Management Policy and Asset Management Strategy 2024-29 consistent with industry best practice. Unlike the previous Asset Management policy and strategy, it is recommended to place these documents on public exhibition, to inform the community. The principles and framework which the organisation applies to the management of its assets has a direct impact on the services Council provides to the community.

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Clayton Whitfield

That Council endorse the Asset Management Strategy 2024-29 and Asset Management Policy for public exhibition.

CARRIED

7.5 MEDIA AND COMMUNICATIONS POLICY - ADOPTION

EXECUTIVE SUMMARY

The Media and Communications Policy was formally adopted by Council at its meeting on 24 October 2023. Following the implementation of the Policy and subsequent Councillor elections in November, which led to the current term's dissolution of the Deputy Mayor position, it has become apparent that an update to the Policy is necessary.

This update will focus on establishing clarity to Section 3.2.2 of the Policy where no Deputy Mayor is available to serve as the official spokesperson for Council.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Ian Getsom

That Council adopt the updated Media and Communications Policy as attached.

CARRIED

7.6 CONSIDERATION OF PLANNING APPLICATIONS POLICY REVIEW

EXECUTIVE SUMMARY

The consideration of planning applications policy and associated procedure have been in place since July 2021 with amendments approved in April 2022. Cr Sharkey moved a Notice of Motion at the December 2023 Council meeting seeking that the policy be reviewed in the first quarter of 2024.

The review of the delegations is the opportunity to check in with councillors and to review and refine the policies and procedures that support the delegation.

The key recommendations to come from the review are:

- Remove the ability for 'called-in' applications to be returned to officer delegation;
- Change the reporting frequency of applications triggered under a Heritage Overlay; and
- A variety of other administrative changes.

These recommended changes are examined in detail under the discussion section of this report.

RECOMMENDATION

That Council adopt the revised Consideration of Planning Applications Policy and Procedure (Attachments 1 and 2).

The recommendation was moved by Cr Whitfield but was not seconded and therefore lapsed.

7.7 INSTRUMENT OF DELEGATION - COUNCIL TO CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY

The *Instrument of Delegation to Chief Executive Officer* must be re-made periodically to ensure it remains up to date and captures powers made or amended since the delegation was previously resolved by Council.

In February 2023, Council updated the Instrument of Delegation and requested that a report be re-tabled in 12 months' time. At its February 2024, Council resolved to defer any decision on the CEO Delegation and receive a report on the establishment of a Councillor Contracts Committee to determine all Contracts/Tenders over and above the CEO financial delegation.

A report was tabled at the February 2024 Council meeting which considered several, including, an increase based on CPI and on benchmarking of similar Councils and the consideration of the inclusion within the delegation, those projects already approved as part of annually adopted Council budget but over the delegation limit. The item was subsequently deferred, requesting a further report to consider the establishment of a Councillor Contracts Committee to determine all matters above the CEO delegation.

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Les Rowe

That Council:

1. Note the review of the CEO Financial Delegation.
2. Establish a Councillor Contract Committee and adopt the attached Terms of Reference and C4 Delegation.
3. Appoint Councillors Rowe, Gamble and Getsom to the Councillor Contract Committee for 2024.

CARRIED

7.8 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* (the Act) cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation (the Instrument) under the Act was last reviewed and adopted by Council in February 2024. A review of the instrument has now been completed and updated to remove staff members who have left 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 Clayton Whitfield

Seconded: Cr Owen Sharkey

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 27 February 2024 is revoked.

CARRIED

PROCEDURAL MOTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That Cr Helena Kirby assume the role of temporary Chair for item 7.9 Bannockburn Recreation Precinct (Dardel Drive) – Update.

CARRIED

At 7:45 pm, Cr Brett Cunningham left the meeting.

At 7:50 pm, Cr Brett Cunningham returned to the meeting.

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:

CARRIED

10.1 Lomandra Drive - Land Sales

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.

RESOLUTION

Moved: Cr Les Rowe
Seconded: Cr Ian Getsom

That Council reopens the Council meeting to the public at 7:55pm.

CARRIED

The Meeting closed at 7:55 pm.

DocuSigned by:
Brett Cunningham
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CHAIRPERSON