



GOLDEN PLAINS SHIRE

MINUTES

Ordinary Council Meeting

6.00pm Tuesday 24 March 2020

VENUE:
Bannockburn Cultural Centre
Main Hall
27 High Street, Bannockburn

NEXT ORDINARY COUNCIL MEETING
6.00pm Tuesday 28 April 2020

Copies of Golden Plains Shire Council's Agendas & Minutes
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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	4
7	Business Reports for Decision	4
7.1	Delegates Report - 25 February 2020 to 23 March 2020.....	4
7.2	P19-240 - 69 Yverdon Drive, Bannockburn (Two lot subdivision)	5
7.3	P18-142 - 34 Brooke Street, Smythesdale (Three (3) lot subdivison)	6
7.4	P02-102A - 3140 Midland Highway, Lethbridge (amend permit for expansion of piggery)	7
7.5	Bannockburn Shire Hall - EOI for lease of building.....	8
7.6	Review of Instrument Delegation - Council to Members of Staff	9
7.7	Instrument of Appointment and Authorisation - Planning and Environment Act 1987.....	10
8	Notices of Motion	10
	Nil	
9	Petitions	11
9.1	Petition to Stop the Closure of Christies Bridge - Golden Lake Road, Piggoreet	12
10	Confidential Reports for Decision	13
	Nil	

**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BANNOCKBURN CULTURAL CENTRE, MAIN HALL, 27 HIGH STREET,
BANNOCKBURN
ON TUESDAY, 24 MARCH 2020 AT 6.00PM**

PRESENT: Cr Helena Kirby, Cr David Evans, Cr Nathan Hansford, Cr Des Phelan, Cr Les Rowe, Cr Owen Sharkey (Mayor)

IN ATTENDANCE: Eric Braslis (CEO), Phil Josipovic (Director Infrastructure and Development), Philippa O'Sullivan (Director Corporate Services), Lisa Letic (Director Community Services), Candice Robinson (Corporate Governance and Risk Coordinator)

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

Council acknowledge the traditional Wadawurrung owners of the land where we meet today. Council pays its respects to Wadawurrung Elders both past and present and 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 Joanne Gilbert (On Leave of Absence)

4 CONFIRMATION OF MINUTES

Cr Des Phelan requested a correction to the minutes of the Ordinary Council Meeting held on 25 February 2020. Cr Phelan was not present at the meeting and should be marked as an apology.

RESOLUTION

Moved: Cr Les Rowe
Seconded: Cr David Evans

That the minutes of the Ordinary Council Meeting held on 25 February 2020 be confirmed, subject to the following correction being made:

- Cr Des Phelan to be recorded as an apology.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Nil.

6 PUBLIC QUESTION TIME

Nil.

7 BUSINESS REPORTS FOR DECISION**7.1 DELEGATES REPORT - 25 FEBRUARY 2020 TO 23 MARCH 2020****Cr Owen Sharkey**

25 February	Men's Shed
26 February	Maude Trucks and Road Safety meeting
28 February	G21 Board Meeting
1 March	Inverleigh Dachshund Derby Day
3 March	Meeting with Mayor Cr Tanya Kehoe and Jim Nolan
3 March	Meeting with Mayor Cr Emerson
3 March	Meeting with Mayor Cr Armstrong
3 March	Barwon Water Community Workshop
6 March	Tall Tree Road media opportunity with Michaela Settle MP
7 March	Bannockburn Growth Plan Engagement session
10 March	Gender Equity Forum
10 March	G21 Board – meeting with Michael O'Brien MP – Leader of the Opposition
11 March	Golden Plains International Women's Day lunch
14 March	Arts Trail launch
16 March	Golden Plains Windfarm meeting
17 March	Official opening of Wall Bridge
20 March	Bethany Group 2020 strategy breakfast
20 March	Bannockburn Growth Plan Engagement session

Cr Les Rowe

25 February	Men's Shed
26 February	Maude Trucks and Road Safety meeting

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Des Phelan

That Council receive and note the Delegates Report – 25 February 2020 to 23 March 2020.

CARRIED

7.2 P19-240 - 69 YVERDON DRIVE, BANNOCKBURN (TWO LOT SUBDIVISION)**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a two lot subdivision at 69 Yverdon Drive, Bannockburn. The application has been referred to the Council Meeting for determination because there is an objection to the application.

Speakers

Kruno Madjeric (Applicant)

RESOLUTION

Moved: Cr David Evans

Seconded: Cr Nathan Hansford

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a two-lot subdivision at 69 Yverdon Drive, Bannockburn subject to the conditions attached.

CARRIED

Cr David Evans called for a division.

In Favour: Crs Helena Kirby, David Evans, Nathan Hansford, Des Phelan, Les Rowe and Owen Sharkey

Against: Nil

The motion was **CARRIED 6/0**

7.3 P18-142 - 34 BROOKE STREET, SMYTHESDALE (THREE (3) LOT SUBDIVISION)**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a three (3) lot subdivision at 34 Brooke Street, Smythesdale. This report provides a background to the application and a summary of the relevant planning considerations.

The objectors are concerned that the proposed subdivision will have a detrimental impact on their properties. Concerns were raised regarding future uses and the impact this will have on traffic and car parking in the area.

The site is located within the Commercial Zone, the purposes of the zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. It is located within Smythesdale, whereby the township has been identified as the northern growth centre for the Golden Plains Shire and is in a prime strategic location to service the wider catchment of rural and residential communities. The population of Smythesdale is expected to increase up to 2500 persons by 2031.

The proposal will retain the existing building on the larger lot with access and a frontage to Brooke Street, with two additional lots which will have a frontage to Lynch Street. The layout allows for different lots sizes within the commercial zone. It is considered that the layout will have a positive impact on the area by accommodating use which will enhance the commercial area.

Speakers

Sean O'Keeffe (Applicant)

RESOLUTION

Moved: Cr Des Phelan

Seconded: Cr Nathan Hansford

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of a three (3) lot subdivision at 34 Brooke Street, Smythesdale subject to the conditions as attached.

CARRIED

Cr David Evans called for a division.

In Favour: Crs Helena Kirby, David Evans, Nathan Hansford, Des Phelan, Les Rowe and Owen Sharkey

Against: Nil

The motion was **CARRIED 6/0**

7.4 P02-102A - 3140 MIDLAND HIGHWAY, LETHBRIDGE (AMEND PERMIT FOR EXPANSION OF PIGGERY)**EXECUTIVE SUMMARY**

This report relates to an application to amend Planning Permit P02-102 for a piggery expansion at 3140 Midland Highway, Lethbridge. The application has been referred to the Council Meeting for determination because there are objections to the application.

Speakers

Cameron Steele (Objector)
Arnold Robins (Objector)
Ian Farran (Applicant)

MOTION

Moved: Cr Nathan Hansford

Seconded: No Seconder

That Council resolves to issue a Notice of Decision to Amend Planning Permit P02-102 for an artificial insemination laboratory and 200 boar piggery at 3140 Midland Highway, Lethbridge subject to the amendments as attached.

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RESOLUTION

Moved: Cr David Evans

Seconded: Cr Les Rowe

That the item be deferred until the next Ordinary Council Meeting.

CARRIED

7.5 BANNOCKBURN SHIRE HALL - EOI FOR LEASE OF BUILDING

EXECUTIVE SUMMARY

With the pending completion of Stage 1 of the Golden Plains Community and Civic Centre (GPCCC), encompassing the new Council Chambers, the Bannockburn Shire Hall will no longer be required for use by Council as the Council Chambers, leaving the Shire Hall vacant and available for lease.

It is recommended Council seek Expressions of Interest from suitably qualified and experienced commercial operators who will value the Shire Hall's historical use as a community space and look to engage with both residents and visitors whilst respecting the heritage values of the building.

The leased area will include the building, a portion of the grounds and front entry area only (see map in Attachment 1). The War Memorial at the front of the building will remain under Council management for the purpose of honouring locals of the district who served and died in conflicts and for holding Anzac and Remembrance Day ceremonies. The public noticeboard at the rear of the building will also remain under Council management.

It is expected that by sourcing a commercial tenant for the building local community benefits may include job creation, increased visitation to the town centre and local economic growth.

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr David Evans

That Council:

1. Authorises the Chief Executive Officer to call for Expressions of Interest for the lease of Bannockburn Shire Hall at 12 High Street, Bannockburn for a provision of commercial or retail service.
2. Notes that the Chief Executive Officer will report to Council an outcome of the Expressions of Interest for the purposes of determining whether to proceed with a proposed lease of 12 High Street, Bannockburn for a provision of commercial or retail service and then give public notice and invite public submissions on a proposed lease in line with sections 190 and 223 of the Local Government Act 1989 (Vic).

CARRIED

7.6 REVIEW OF INSTRUMENT DELEGATION - COUNCIL TO MEMBERS OF STAFF

EXECUTIVE SUMMARY

The Local Government Act 1989 enables Council to delegate functions, duties and powers, other than exemptions under sections 86(4) and 98(1) of the Act, to the CEO, Council staff and special committees established under Section 86.

A review of the instruments of delegation from Council to members of Council staff has been undertaken. The review included:

- incorporation of changes to the instrument issued by Maddocks Lawyers since the last review; and
- an internal review to ensure alignment with overall organisational requirements, structure and position responsibilities.

The changes are summarised in detail within the report.

The updated instrument of delegation is presented for Council's adoption (Attachment 1).

RESOLUTION

Moved: Cr David Evans

Seconded: Cr Nathan Hansford

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation:

1. Adopt the Instrument of Delegation from Council to members of Council staff as shown in Attachment 1, subject to the conditions and limitations specified in that Instrument.
2. Authorise the Chief Executive Officer to execute the instrument of delegation outlined above by affixing the Common Seal.
3. Approve the instrument of delegation to come into force immediately upon execution.
4. Approve that, once the new the instrument of delegation are in force, the previous delegations from Council to the members of Council staff are revoked.
5. Note that the duties, functions and powers set out in the instrument must be performed and executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED

7.7 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

EXECUTIVE SUMMARY

Council last adopted its Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument) at the 25 February 2020 Ordinary Council Meeting. Since that time, a number of changes have been made to position titles and it is necessary for Council to adopt an amended version. Legal advice recently obtained informed that the Instrument only requires the full legal name of the person to be appointed and not their position title. Accordingly, to prevent this issue in the future, all position titles have been removed from the Instrument.

It is necessary for Council to directly appoint persons as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987*. By doing so, Council ensures that it has the capacity to investigate and enforce the Planning Scheme, planning permits, planning permit conditions, agreements made under section 173, enter sites, gather evidence or serve legal notices, etc. if required.

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Des Phelan

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached Instrument of Appointment and Authorisation ('the instrument'), 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 Local Law No. 1 of 2019 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 25 February 2020 is revoked.

CARRIED

8 NOTICES OF MOTION

Nil

9 PETITIONS

9.1 PETITION TO STOP THE CLOSURE OF CHRISTIES BRIDGE - GOLDEN LAKE ROAD, PIGGOREET

EXECUTIVE SUMMARY

Subsequent to making the above decisions at the 27 August 2019 Ordinary Council Meeting, Council resolved to reallocate \$300k from the Golden Lake Road bridge project to the Franklin Bridge Replacement project (\$200,000) and the remaining \$100,000 (carried over) to the 2020/21 Resealing program. It should also be noted that following the decision made on 27 August 2019, Officers have advised the Federal Department of Infrastructure, Transport, Cities and Regional Development of its decision not to proceed with this bridge replacement project and funding has been withdrawn in accordance with Council's resolution.

Council received a petition relating to this matter on 17 December 2019. As the agenda for the 17 December 2019 Council meeting had been finalised on 13 December 2019, there was no opportunity to include the petition on the agenda for the December meeting.

The petition, containing 93 signatures, states:

Petition summary and background

We are petitioning the Golden Plains Shire to stop the closure of a section of Golden Lake Rd, Piggoreet, known as Christies Bridge, by a local private landowner.

Christies Bridge, Golden Lake Rd, Piggoreet is an essential fire access and emergency vehicle road for the Piggoreet and Scarsdale communities, providing a throughway to Basin Road and surrounding roads.

It is also a part of the Rainbow Bird Trail and a tourist road that is valuable to the district and the Shire as a whole.

The closure of any section of Golden Lake Rd, Piggoreet, would be detrimental not only to landholders, but to wildlife, surrounding towns, wildlife and tourism in general.

Action petitioned for

We, the undersigned want the Shire to stop the closure of Christies Bridge on Golden Lake Rd, Piggoreet.

As an essential emergency services road, a local road, a tourist road and an important environmental area in regard to the Rainbow Bird Trail, the closure of this section of Golden Lake Rd is extremely detrimental. To all concerned.

The petition was formally presented to Council at its Ordinary Council Meeting on 25 February. In accordance with Council's *Local Law No. 1 – Council Meeting Procedures & Common Seal* and the associated *Public Participation in Council Meetings Policy*, no motion (other than a motion to receive the petition) was made on this petition until the next (*ie*, March) Ordinary Meeting of Council.

RESOLUTION

Moved: Cr Des Phelan
Seconded: Cr Nathan Hansford

1. That Council re-affirm its decision made at the Ordinary Council Meeting on 27 August 2019 not to proceed with the Golden Lake Road bridge replacement project over the Woody Yaloak River, Piggoreet.
2. That Council respond to the lead Petitioner advising of the above decision.

CARRIED

Cr David Evans called for a division.

In Favour: Crs Nathan Hansford, Des Phelan, Les Rowe and Owen Sharkey

Against: Crs Helena Kirby and David Evans

The motion was **CARRIED 4/2**

10 CONFIDENTIAL REPORTS FOR DECISION

Nil

The Meeting closed at 7.09pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 April 2020.

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CHAIRPERSON