



GOLDEN PLAINS SHIRE

MINUTES

Council Meeting

6.00pm Tuesday 23 July 2024

VENUE:
The Well
19 Heales Street, Smythesdale

NEXT COUNCIL MEETING
12.00pm Tuesday 27 August 2024

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	4
7.1	Delegates Report & Informal Meetings of Councillors Records	4
7.2	Councillor Expenses and Meeting Attendance Report - Quarter 4.....	4
7.3	Geelong Regional Library Corporation (GRLC) to an alternative enterprise business model (AEBM).....	5
7.4	Special Rates and Charges Policy - Adoption	5
7.5	Awarding of Tender - Environmental Health Services	6
7.6	Activation of Extension Provisions - Interim CEO Contract.....	7
8	Notices of Motion	7
8.2	Notice of Recission - P23246 25 Burns Street, Bannockburn (Child Care Centre).....	8
8.5	Notice of Motion - P23246 25 Burns Street, Bannockburn (Child Care Centre)	8
8.1	Notice of Recission - P23255 21 Milton St Bannockburn (Child care centre).....	10
8.3	Notice of Motion - P23255 21 Milton St Bannockburn (Child care centre).....	10
8.4	Notice of Motion - Options for Replacement of Golden Lake Road Bridge.....	10
9	Petitions	10
	Nil	
10	Confidential Reports for Decision	11

**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE THE WELL, 19 HEALES STREET, SMYTHESDALE
ON TUESDAY, 23 JULY 2024 AT 6.00PM**

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

IN ATTENDANCE: Phil Josipovic (Director Infrastructure and Environment), Michael Tudball (Interim CEO), Lynne Gray (Director Corporate Services), Emma Wheatland (Acting Director Community, Planning & Growth)

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 Ian Getsom

Seconded: Cr Helena Kirby

That the minutes of the Ordinary Council Meeting held on 25 June 2024 and the Unscheduled meeting of Council held on 16 July 2024, be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Sharkey declared a material conflict of interest in relation to item 8.1 Notice of Recission – 21 Milton Street, Bannockburn and item 8.3 Notice of Motion – 21 Milton Street, Bannockburn as he partly owns and operates a business as a direct neighbour.

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.

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 Helena Kirby

Seconded: Cr Ian Getsom

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

CARRIED

7.2 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER 4

EXECUTIVE SUMMARY

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for Quarter 4 of 2023/24. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council, to provide transparency on Council decision making.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Ian Getsom

That Council note the contents of the Councillor Expenses and Attendance Report for Quarter 4 2023/24.

CARRIED

7.3 GEELONG REGIONAL LIBRARY CORPORATION (GRLC) TO AN ALTERNATIVE ENTERPRISE BUSINESS MODEL (AEBM)

RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Les Rowe

That Council:

1. Notes that the *Local Government Act 2020* requires regional library corporations to transition to a new enterprise model by 30 June 2031;
2. Notes that the Geelong Regional Library Corporation - at its 15 February 2024 board meeting - endorsed a Company Limited by Guarantee as its preferred future enterprise model in order to enable project scoping, transition planning, and costing in preparation for member Council decisions;
3. Requests that the Geelong Regional Library Corporation prepare a transition report for formal consideration by Geelong Regional Library Corporation member Councils at a future council meeting that:
 - 3.1 Sets out future governance arrangements and indicative cost impacts for member Councils for delivery of library services under the new enterprise model; and
 - 3.2 Seeks formal approval to transition to the new enterprise model.

CARRIED

7.4 SPECIAL RATES AND CHARGES POLICY - ADOPTION

EXECUTIVE SUMMARY

Special Rates and Charges (SRC) is a funding model available to Councils for the recovery of costs, or part costs, from property owners who derive a benefit from Council works or services. Section 163 of the *Local Government Act 1989* (the Act) provides the legislative framework required to be undertaken for implementation of any SRC projects.

The draft SRC policy was endorsed by Council at the 28 May Council meeting for public exhibition. Following the exhibition period, a total of 211 submissions were received, most of which opposed the adoption of the draft policy.

RECOMMENDATION

That Council adopt the Special Rates and Charges Policy as attached.

ALTERNATIVE MOTION

Moved: Cr Les Rowe

Seconded: Cr Ian Getsom

That Council do not adopt the Special Rates and Charges Policy at this stage.

The alternate motion was carried.

A division was called.

In Favour: Crs Gavin Gamble, Helena Kirby, Les Rowe, Brett Cunningham, Ian Getsom and

Clayton Whitfield, Cr Owen Sharkey

CARRIED 7/0

7.5 AWARDING OF TENDER - ENVIRONMENTAL HEALTH SERVICES

EXECUTIVE SUMMARY

Golden Plains Shire Council undertakes Environmental Health services in the areas of food health, tobacco inspections, on-site wastewater management systems, health premises and other related areas.

Golden Plains Shire Council sought a suitably qualified contractor to provide Environmental Health services on behalf of Council.

RESOLUTION

Moved: Cr Ian Getsom

Seconded: Cr Clayton Whitfield

That Council:

1. Resolves to award the Contract GPSC-RFT-03-2024 – Provision of Environmental Health Services – to Kernow Environmental Health Services Pty Ltd (ACN 070 348 999) for the anticipated cost of \$1,550,000 (excl. GST) for an initial 3-year term.
2. Determines that this contract commences on 19 August 2024, or on a date agreeable by all parties, for a period of three years, with options to extend the contract by two additional three-year periods, subject to contractor performance and Council's need.
3. Authorises the Chief Executive Officer to do all things necessary to execute the contract, including advising the tenderers of Council's decision in this matter.
4. Authorises the Chief Executive Officer to renew a term of the contract subject to a market assessment, contractor's performance, and Council's needs.

CARRIED

7.6 ACTIVATION OF EXTENSION PROVISIONS - INTERIM CEO CONTRACT

EXECUTIVE SUMMARY

Council appointed Michael Tudball as the Interim Chief Executive Officer at its meeting of 23 April 2024 from 6 May 2024, for a period of up to 9 months.

RESOLUTION

Moved: Cr Helena Kirby
Seconded: Cr Gavin Gamble

That Council:

1. Notes the decision of Council from 23 April 2024 appointing Michael Tudball as Interim CEO for the period from 6 May 2024 for a period up to 9 months; and
2. Authorises the Mayor, in accordance with Item 1, to enact the contract extension from 6 August 2024 through to and including 1 September 2024 with the agreement of Interim CEO Tudball.

The motion was carried.

A division was called.

In Favour: Crs Gavin Gamble, Helena Kirby, Les Rowe, Brett Cunningham, Ian Getsom and Clayton Whitfield

Against: Cr Owen Sharkey

CARRIED 6/1

8 NOTICES OF MOTION

PROCEDURAL MOTION

RESOLUTION

Moved: Cr Clayton Whitfield
Seconded: Cr Owen Sharkey

That the order of Items 8.1 through 8.5, be changed to consider in the following order:

8.2 Notice of Recission – 25 Burns Street Bannockburn, 8.5 Notice of Motion – 25 Burns Street Bannockburn, 8.1 Notice of Recission – 21 Milton Street, 8.3 Notice of Motion – 21 Milton Street Bannockburn, and 8.4 Notice of Motion – Options for Replacement of Golden Lake Road Bridge.

CARRIED

8.2 NOTICE OF RECISSION - P23246 25 BURNS STREET, BANNOCKBURN (CHILD CARE CENTRE)

I, Councillor Owen Sharkey, give notice of my intention to move at the next Ordinary Meeting of Council be held on 23 July 2024, that the resolution of Council passed on 25 June 2024 namely: Item 7.6 P23246 25 Burns Street, Bannockburn (Child Care Centre) be rescinded, and subject to that motion being carried, in its place, I Councillor Owen Sharkey propose to move:

RESOLUTION

Moved: Cr Owen Sharkey
Seconded: Cr Helena Kirby

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works pursuant to the provisions of the C1Z (Clauses 34.01-1 & 34.01-4) & 0009 (Clause 43.02-2), subject to the conditions attached to this report.

CARRIED

8.5 NOTICE OF MOTION - P23246 25 BURNS STREET, BANNOCKBURN (CHILD CARE CENTRE)

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council be held on 23 July 2024, I intend to move the following motion:-

RESOLUTION

Moved: Cr Owen Sharkey
Seconded: Cr Clayton Whitfield

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works pursuant to the provisions of the C1Z (Clauses 34.01-1 & 34.01-4) & 0009 (Clause 43.02-2), subject to the conditions attached to this report.

PLANNING APPLICATION P23246 FOR A CHILD CARE CENTRE AT 25 BURNS STREET, BANNOCKBURN

RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT.

Amend condition 1 to include items b) and c) as highlighted in yellow.

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by ED Ewers Architecture (Town Planning Issue dated 12-02-2024) but amended to show:
 - a) removal of signage details from the elevation plans or the provision of signs in compliance with the 'as-of-right' permit not required signage requirements for the Commercial 1 Zone.
 - b) Annotation on the plans detailing all windows to be double glazed.
 - c) Replacement of all fences annotated as being steel picket fencing type, replaced with

acoustic fencing finished in a colour to match Colourbond southerly.

Insert new heading and condition 29, and 30

Acoustic Fencing

29. Before the use commences, an acoustic fence must be erected as detailed by plans endorsed under Condition 1 c. The fence must be designed by a suitably qualified acoustic engineer and the acoustic report submitted to the responsible authority for endorsement. The acoustic report must detail the construction, materials and specifications of the acoustic fencing.
30. The acoustic fencing must be maintained at all times by the owner/ operator to the satisfaction of the responsible authority.

Insert new heading and condition 31

External Noise

31. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

Renumber the remaining conditions accordingly.

Recommendation 2

That Council prepare a Report on the benefits and costs to conduct a Local Area Traffic Management (LATM) Study for the Bannockburn Town Centre. Report to come to council at September briefing day with the intention to adopt into the 25/26 council budget.

The LATM Report would comprise at a minimum of information containing:

- Initial community consultation and engagement.
- Data collection (existing traffic and parking conditions including road hierarchy, land use, public transport routes, pedestrian and cycling routes, existing traffic management, traffic and parking survey information and crash history).
- Draft LATM plans for additional community consultation and engagement.
- Final LATM Plan developed and approved at a public Council meeting.
- Final community update advising of the final outcomes and implementation process.

Recommendation 3

That Council prepares a report to councillors which includes the implications to council of:

1. Undertaking community consultation for the development of formalised car parking and drainage works within Burns Street, for the length of St Mary MacKillop Primary School.
2. Formalised car parking and associated drainage works within Burns Street, subject to the community feedback and final approval by Council.

CARRIED

At 7.46pm, Cr Owen Sharkey left the meeting

8.1 NOTICE OF RECISSION - P23255 21 MILTON ST BANNOCKBURN (CHILD CARE CENTRE)

I, Councillor Helena Kirby, give notice of my intention to move at the next Ordinary Meeting of Council be held on 23 July 2024, that the resolution of Council passed on 25 June 2024 namely: Item 7.7 P23255 21 Milton Street, Bannockburn be rescinded, and subject to that motion being carried, in its place, I Councillor Helena Kirby propose to move that Council:

RESOLUTION

Moved: Cr Helena Kirby
Seconded: Cr Clayton Whitfield

That the resolution of Council passed on 25 June 2024 namely: Item 7.7 P23255 21 Milton Street, Bannockburn be rescinded.

Cr Brett Cunningham cast the deciding vote as the Chair against the motion.

LOST 4/3**8.3 NOTICE OF MOTION - P23255 21 MILTON ST BANNOCKBURN (CHILD CARE CENTRE)**

I, Councillor Clayton Whitfield, give notice that at the next Ordinary Meeting of Council be held on 23 July 2024, I intend to move the following motion:-

MOTION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works pursuant to the provisions of the TZ (Clauses 32.05-2 & 32.05-11), subject to the conditions in the report.

LAPSED

At 7.53pm, Cr Owen Sharkey returned to the meeting

8.4 NOTICE OF MOTION - OPTIONS FOR REPLACEMENT OF GOLDEN LAKE ROAD BRIDGE

I, Councillor Ian Getsom, give notice that at the next Ordinary Meeting of Council be held on 23 July 2024, I intend to move the following motion:-

RESOLUTION

Moved: Cr Ian Getsom
Seconded: Cr Helena Kirby

That Council receive a report at a future council meeting regarding options for replacement of Golden Lake Road Bridge.

CARRIED**9 PETITIONS**

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

RESOLUTION

Moved: Cr Ian Getsom
Seconded: Cr Les Rowe

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 Appointment 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 Sale of Council Land in Batesford

This matter is considered to be confidential under Section 3(1) - 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 or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

CARRIED

RESOLUTION

Moved: Cr Ian Getsom
Seconded: Cr Helena Kirby

That Council reopens the Council meeting to the public at 8.36pm.

CARRIED

The Meeting closed at 8.37pm.

The minutes of this meeting were confirmed at the Council Meeting held on 27 August 2024

Signed by:

F63C92991E4C4E9...

.....
CHAIRPERSON