



MINUTES

Council Meeting

6.00pm Tuesday 22 November 2022

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

NEXT COUNCIL MEETING
6.00pm Tuesday 20 December 2022

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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	5
7.1	Delegates Report & Informal Meetings of Councillors Records	5
7.2	Berrybank Windfarm Community Grants - Round 2022.....	5
7.3	Community Strengthening Grants - 2022 Round 2	7
7.4	P22162 25 Red Gum Drive, Teesdale (Subdivision of Land into Four (4) Lots Under Clauses 32.03-3 (LDRZ) and 43.02-3 (DDO5)	8
7.5	Finance Quarter 1 Update	9
7.6	Council Plan 2021-2025 Implementation - Quarter One	9
7.7	Golden Plains Transport Connections Study	10
7.8	CCTV Steering Committee Update and Recommendations made from Committee.....	10
7.9	Tender for the Rokewood Netball/Tennis Court Upgrade	12
7.10	Review of Instrument of Appointment and Authorisation - Planning and Environment Act 1987	13
7.11	Review of Instrument of Delegation - Environment Protection Act 2017	14
7.12	Councillor Expenses and Meeting Attendance Report - Quarter One ending 30 September 2022.....	14
7.13	Audit & Risk Committee Report - 8 November 2022.....	15
8	Notices of Motion.....	15
	Nil	
9	Petitions	15
	Nil	
10	Confidential Reports for Decision	15

**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE GOLDEN PLAINS CIVIC CENTRE, COUNCIL CHAMBER, 2 POPE STREET,
BANNOCKBURN
ON TUESDAY, 22 NOVEMBER 2022 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: Vicki Shelton (Acting Director Infrastructure and Environment), Brooke Holmes (Acting Director Corporate Services), Steven Sagona (Director Community Services), Sophie Brown (Governance and Risk Specialist), Rosie Wright (Coordinator Governance and Risk)

APOLOGIES: Eric Braslis (Chief Executive Officer)

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 Helena Kirby

Seconded: Cr Ian Getsom

That Council confirms the minutes and confidential minutes, which remain confidential in accordance with section 3(1)(h) of the Local Government Act 2020, of the scheduled Council meeting held on 25 October 2022 and Tuesday 15 November 2022 as circulated.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Owen Sharkey declared a general conflict of interest in relation to item 7.4 under Section 127 of the Local Government Act 2020. The nature of the interest being that this item relates to a likely financial gain to Cr Sharkey's place of employment. Cr Sharkey was absent whilst this matter was being discussed and considered.

Cr Helena Kirby declared a material conflict of interest in relation to item 7.2 under Section 128 of the Local Government Act 2020. The nature of the interest being that Cr Kirby wrote a letter of

support on behalf of her business to support the public art project for the Cressy Water Tower and the Cressy and District History Group were the recipients of the grant. Cr Kirby was absent whilst this matter was being discussed and considered.

Cr Brett Cunningham declared a general conflict of interest in relation to item 7.4 under Section 127 of the Local Government Act 2020. The nature of the interest being that Cr Cunningham serves on the same board as the developer. Cr Cunningham was absent whilst this matter was being discussed and considered.

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 to the chair and ask your question that has been 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 questions were read by Mr John Bolitho and answers provided by Council officers:

Question 1

Inverleigh residents are and will be dealing with the long and sometimes dangerous detours following the derailment on the Hamilton Highway, or close to the Hamilton Highway at Inverleigh. We've been informed that the highway will not reopen until the 25th November. My question is what steps is Council taking to:

- A) Discuss limited opening of the Hamilton Highway at peak times with VicTrack and VicRoads?*
- B) More importantly, to remediate the significant damage to Common Road and Inverleigh-Teesdale Road by the increased traffic and that includes seeking a financial contribution from VicTrack to do so?*

Answer

The following response was provided by Vicki Shelton, Acting Director Infrastructure and Environment.

We're liaising with VicRoads and VicTrack regarding the closure of the highway and we have requested as well that they only do it during less-peak times, so they were on the weekend and today I know they were opening again at 7 o'clock. We are also requesting that they only detour on main VicRoads roads and try to limit detours on Council roads, as we know that there is damage occurring on those roads.

In regard to repairs to the roads, all of our roads or many of them in the Shire were damaged following the recent rain and flood events and we are trying to prioritise works on collector roads. So Common Road and Inverleigh-Teesdale Road, I was out there today and we are, I have requested the team to go out there and monitor that road given that there's extra traffic due to detours. We're also putting warning signage in place where we can to inform the public of any hazards that are in place.

Question 2

The second question relates to the Governance Committee and the recent decision of VCAT in Burke v Golden Plains Shire [2022] VCAT, reported at page 1271 (delivered on the 2nd November). The background is the Council's planning decision was overturned by VCAT who, on a reading of the decision, appears to be critical of the Council's decision in clauses 19-26 of the decision and in its conclusions. The Council will probably have to pay significant legal fees to its own lawyers.

So the question is whether the Council's Governance Committee review of the process leading up to the issuing of the permit and any recommendations the Governance Committee may make will be accessible to the public?

Answer

The following response was provided by Steven Sagona, Director Community, Planning and Growth.

Application of the Planning Scheme and in particular, planning policy is subjective, it's open to interpretation and opinion, and the application of discretion by the responsible authority is a fundamental part of the system.

In this particular case, the VCAT determination has supported most aspects of Council's decision but has come to a different conclusion on the specific question of character. The Tribunal has not in any way called into question the process undertaken by the responsible authority and has not suggested that Council's processing of the application including its decision making process was contrary to the required statutory processes as defined in the Planning and Environment Act or the Golden Plains Planning Scheme, and accordingly no review of the process is proposed to be undertaken.

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 Helena Kirby

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

CARRIED

7.2 BERRYBANK WINDFARM COMMUNITY GRANTS - ROUND 2022

At 6:27 pm, Cr Helena Kirby left the meeting due to a declared conflict of interest.

EXECUTIVE SUMMARY

The purpose of this report is for Council to note and acknowledge the recommended funding of four projects, proposed by community groups through the Berrybank Windfarm Community Grants 2022 Round.

Council received four applications for the round during September 2022. All four proposed projects were assessed as successful for grant funding and will require \$51,513 to complete across the grant streams as follows:

- \$11,540.91 for Economic Development & Tourism Projects
- \$39,972.64 for Community Projects

Berrybank Developments Pty Ltd (Berrybank) contribution of \$51,513 for the Berrybank Windfarm Community Grants 2022 Round will deliver \$165,840 in total value across the 4 projects. Unallocated funds of \$8,486 will be carried-over to the FY23/24 round where a further \$60,000 will be made available.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Council note and acknowledge the approved Berrybank Windfarm Community Grants 2022 Round to the value of \$51,513 to the following recipients:

- Cressy & District History Group - Public Art Project, Cressy Water Tower, 'CRESSY, OUR STORY' - \$10,000 (one year funding)
- Geelong Landcare Network Inc. - Get Your Message Out - \$1,540 (one year funding)
- Golden Plains Arts Inc. - GP Arts Inc. Arts Trail - \$26,772 (Total for multi-year funding over 3 years)
- Teesdale Community Events - Teesdale Twilight Market & Carols - \$13,200 (Total for multi-year funding over 3 years).

CARRIED

At 6:39 pm, Cr Helena Kirby returned to the meeting.

7.3 COMMUNITY STRENGTHENING GRANTS - 2022 ROUND 2

EXECUTIVE SUMMARY

The purpose of this report is for Council to note and acknowledge the recommended funding of 17 projects, proposed by a variety of community groups through Council's Community Strengthening Grants Program 2022, Round 2.

Council received 18 applications for Round 2 during September 2022. The 17 proposed projects assessed as successful for grant funding will require \$66,903 to complete across the grant streams as follows:

- \$11,190 for the Safety related projects through the Community Safety Stream
- \$20,304 for Arts and Culture projects through the Creative Communities Stream
- \$12,617 for Environmental projects through the Environment and Sustainability Stream.
- \$22,792 for Health and Wellbeing, Sports and Recreation projects through the Healthy Active Living Stream.

Council's contribution of \$66,903 for the Round 2 Community Strengthening Grants 2022 will deliver \$151,785 in total value across the 17 projects.

Successful recipients will be acknowledged via a Community Strengthening Grants presentation at the Council Meeting on 22 November 2022.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That Council note and acknowledge the approved Community Strengthening Grants 2022, Round 2 to the value of \$66,903 to the following recipients:

- CFA - Cape Clear Fire Brigade - Rural Property Address Signs Project - \$3,190
- Inverleigh Mechanics Institute Reserve Committee of Management (Inverleigh Public Hall Committee) - Heating and cooling for Inverleigh Public Hall Main Hall - \$8,000
- Golden Plains Arts Inc - Smythesdale Arts and Community Fiesta - \$5,280
- Teesdale Mechanics Institute (Teesdale Community Hall) - Community Hall Capacity Renewal Project - \$898
- Ballarat UA3 - Woody Walk Mosaic Trail - \$4,109
- Exploring Robotics (Cape Clear) - Exploring Robotics Project - \$3,629
- Bannockburn Community Planning Group Inc. - Indigenous Artwork Arbour - \$6,387
- Bruce Creek Landcare Group - Lethbridge Primary School Greenhouse - \$3,597
- Friends of Bannockburn Bush - Restoring Biodiversity - \$2,020
- Trust for Nature - For the Love of the Birds; Habitat Restoration at Clarksdale Bird Sanctuary - \$7,000
- DCHI- Dereel Community Hub Inc - Back to School Lunch January 2023 - \$2,000
- Meredith Community Centre - Seniors Day Out - \$1,780
- Bannockburn Inclusive - Bannockburn Inclusive Social Engagement Program - \$2,200
- Cape Clear, Illabarook and Rokewood Junction Community Committee - Valentine's Day Bush Dance - \$2,278
- Bannockburn and Lethbridge Scout Group - Tent Replacements - \$6,684

- Friends of Bannockburn Bush - Communication and Safety - \$3,850
- Haddon Community Learning Centre Inc - Haddon Chat 'n Chew - \$4,000

CARRIED

7.4 P22162 25 RED GUM DRIVE, TEESDALE (SUBDIVISION OF LAND INTO FOUR (4) LOTS UNDER CLAUSES 32.03-3 (LDRZ) AND 43.02-3 (DDO5)

At 6:53 pm, Mayor Cr Brett Cunningham left the meeting due to a declared conflict of interest. Deputy Mayor Cr Gavin Gamble assumed the Chair for the duration of the item.

At 6:53 pm, Cr Owen Sharkey left the meeting due to a declared conflict of interest.

EXECUTIVE SUMMARY

This report relates to a planning permit application for a four (4) lot subdivision at 25 Red Gum Drive, Teesdale. The report provides background to the application and a summary of relevant planning considerations.

The application has been referred to a Council meeting for a determination because there are more than three (3) objections and the application was called in by Cr. Whitfield and seconded by Cr. Cunningham in accordance with Council's Consideration of Planning Applications Policy.

The application was referred both internally and externally with no referral authorities objecting to the proposal. The application was advertised and five (5) objections were received. Matters raised via the objections included density of development and infrastructure concerns. A consultation meeting was held on 13 September 2022. Although the applicant indicated they would be willing to undertake some landscaping and fencing, they were not willing to apply a single story or height restriction covenant to the newly created lots. No objections were withdrawn as a result of the consultation meeting.

Councillors have also been provided with a full copy of the application for consideration prior to the Council meeting. It is recommended that Council issue of a Notice of Decision to Grant a Planning Permit, subject to the recommended conditions attached to this report.

Speaker

Robyn Gixti (Objector)

Robyn Gixti on behalf of Fiona Warelow (Objector)

The applicant

John O'Shannassy on behalf of the applicant

PROCEDURAL MOTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That an additional five minutes be granted for questions to be asked following the presentation of Mr John O'Shannassy.

CARRIED

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Helena Kirby

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for the proposed four lot subdivision of land at 25 Red Gum Drive Teesdale on the grounds that the proposed subdivision does not maintain or complement the established character of the area, particularly in relation to pattern of development and intensity of subdivision.

The motion was CARRIED

A division was called.

In Favour: Crs Gavin Gamble, Helena Kirby, Ian Getsom and Clayton Whitfield

Against: Cr Les Rowe

CARRIED 4/1

At 7:50 pm, Cr Owen Sharkey returned to the meeting.

At 7:50 pm, Mayor Cr Brett Cunningham returned to the meeting and resumed the Chair.

7.5 FINANCE QUARTER 1 UPDATE

EXECUTIVE SUMMARY

As at 30 September 2022, the Income Statement reports total operating revenue of \$37.0m and total operating expenditure of \$10.6m, which results in a year-to-date surplus of \$26.4m. This is \$4.2m favourable compared to the original budget, and \$2.4m favourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure (including commitments) of \$1.5m, which is \$0.6m above the original budget, and \$0.9m below the revised budget. The revised budget includes \$9.5m rolled forward for projects.

The Quarter 1 report was presented to the Audit and Risk Committee at the 8 November 2022 meeting for noting.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Council note the content in the Quarter 1 Finance Report for the 3 months ended 30 September 2022.

CARRIED

7.6 COUNCIL PLAN 2021-2025 IMPLEMENTATION - QUARTER ONE

EXECUTIVE SUMMARY

This report is to update Council on the progress made in actioning the Council Plan 2021-2025 for Quarter 1.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Ian Getsom

That Council note the report and implementation of the actions contained in the Council Plan 2021-2025 for Quarter 1 from 01 July 2022 to 30 September 2022.

CARRIED

7.7 GOLDEN PLAINS TRANSPORT CONNECTIONS STUDY

EXECUTIVE SUMMARY

The 'Golden Plains Transport Connections Study' ("the Study") has been prepared with funding of \$41,420 from the Department of Transport and a matching in-kind contribution from Council in response to a long-understood need for improved transport in the shire as identified by community, Council and State Government. The Study has examined local community and public transport options, gaps and opportunities to improve transport connectivity, accessibility and liveability across Golden Plains Shire. As a regional community with a geographically dispersed population with high private car use, it is also recognised that a shift toward alternative transport modes is preferred to maximise future mobility options.

The Study will inform decision-making and design about Council's community transport program, ensuring that services consider transport disadvantage, consequent social and economic exclusion, and future needs of a growing community. The Study further provides an evidence base to support Council to advocate for greater investment in public and community transport across the shire and will inform the development of resources to promote available transport options to community.

The Study identified high car dependency and poor connectivity across the shire with narrow public transport running times, poor service awareness, a lack of accessibility for vulnerable users and costly alternatives to private vehicle usage. Opportunities that can be explored are improving the existing public transport network, partnering to develop complementary services and improving communications, ticketing and accessibility.

RESOLUTION

Moved: Cr Owen Sharkey
Seconded: Cr Clayton Whitfield

That Council:

1. Adopt the 'Golden Plains Transport Connections Study' as attached.
2. Use the Study to inform Council's advocacy and future planning and decision-making about public and community transport.
3. Provide the Study to the Department of Transport, G21 Geelong Region Alliance, Central Highlands Councils Victoria and other relevant agencies to inform state and regional advocacy, planning and decision-making about public and community transport.

CARRIED

7.8 CCTV STEERING COMMITTEE UPDATE AND RECOMMENDATIONS MADE FROM COMMITTEE

Mayor Cr Brett Cunningham vacated the Chair for debate of this item. Deputy Mayor Cr Gavin Gamble assumed the Chair at 8:23 pm.

EXECUTIVE SUMMARY

A Steering Committee was formed to report to Council regarding the installation of Closed-Circuit Television (CCTV) within Golden Plains Shire Council. The Steering Committee met on three occasions and determined that, at this stage, CCTV is not required within Golden Plains Shire. The Steering Committee has made four specific recommendations relating to grant funding for surveillance cameras, provision of cameras at Council managed buildings, quality of Council asset building materials and equipment, and collaboration between Council's Youth Team and Police. It is suggested by officers that the Committee's recommendations and findings be noted and used to inform future planning, policy and decision-making in relation to relevant community safety matters.

RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Les Rowe

That Council:

1. Note that the CCTV Committee has not recommended the installation of CCTV cameras at this time, and that it has recommended as follows:
 - a) Invest in a Community Safety Grant stream that will allow for the replacement and/or installation of surveillance cameras in local businesses, ideally where one camera points to the footpath.
 - b) Ensure that Council buildings, such as the Bannockburn Cultural Centre, have surveillance cameras that record.
 - c) Ensure assets are built/retrofitted with more sturdy equipment and hardware (replacing wooden doors with steel doors etc.)
 - d) Have the Youth Team and Police engage with each other to identify children who may require some intervention and referrals.
2. Consider the CCTV Steering Committee's recommendations and its other findings as captured in this report to inform future planning, policy and decision-making in relation to relevant community safety matters.
3. Write to members of the CCTV Steering Committee to thank them for their work and to advise them of Council's resolution above.

CARRIED

Mayor Cr Brett Cunningham returned to the Chair at 8:40 pm.

7.9 TENDER FOR THE ROKEWOOD NETBALL/TENNIS COURT UPGRADE**EXECUTIVE SUMMARY**

Golden Plains Shire Council wishes to engage suitably qualified and experienced contractors to undertake the construction of two new netball/tennis courts, LED lighting, shelters, fencing and associated infrastructure at the Rokewood Recreation Reserve.

Following the undertaking of a public tender and evaluation process in accordance with Council's Procurement Policy, it is recommended that iDwala Pty Ltd be appointed to deliver on the project requirements as outlined in the tender specifications.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Les Rowe

That Council:

1. Resolves to award the Contract GPSC-RFT-25-2022-Rokewood Netball-Tennis Court Upgrade project to iDwala Pty Ltd for the sum of \$670,659.70 exclusive of GST, for the initial term of 6 [six] months.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

CARRIED

7.10 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND 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 February 2022. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Planning team.

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

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 execute the instrument by affixing the common seal in accordance with Council's Governance Rules.
3. The instrument comes into force immediately once the Common Seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 20 September 2022 is revoked.

CARRIED

7.11 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 August 2021. 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 Helena Kirby

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 execute the instrument by affixing the common seal in accordance with Council's Governance Rules;
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 24 August 2021 is revoked.

CARRIED

7.12 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER ONE ENDING 30 SEPTEMBER 2022

EXECUTIVE SUMMARY

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for quarter one of 2022/23. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council. Providing regular updates throughout the year on the Councillor attendance at meetings enables enhanced transparency rather than one annual update as reported in Council's annual report.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Clayton Whitfield

That Council note the contents of the Councillor Expenses and attendance report for quarter one of 2022/23.

CARRIED

7.13 AUDIT & RISK COMMITTEE REPORT - 8 NOVEMBER 2022**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 8 November 2022 meeting of the Audit & Risk Committee.

RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Gavin Gamble

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 8 November 2022.

CARRIED**8 NOTICES OF MOTION**

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION**RESOLUTION**

Moved: Cr Ian Getsom

Seconded: Cr Helena Kirby

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 Chief Executive Officer Performance Review

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.

CARRIED**RESOLUTION**

Moved: Cr Les Rowe

Seconded: Cr Ian Getsom

That Council moves out of Confidential and opens the meeting to the public at 9:21pm.

CARRIED

The Meeting closed at 9:22pm.

The minutes of this meeting were confirmed at the Council Meeting held on 20 December 2022.

.....
CHAIRPERSON

UNCONFIRMED