



GOLDEN PLAINS SHIRE

# MINUTES

## Council Meeting

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**6.00pm Tuesday 28 September 2021**

**VENUE:**  
**Virtual**

NEXT COUNCIL MEETING  
6.00pm Tuesday 26 October 2021

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**Order Of Business**

<b>1</b>	<b>Opening Declaration</b> .....	<b>4</b>
<b>2</b>	<b>Acknowledgement of Country</b> .....	<b>4</b>
<b>3</b>	<b>Apologies and Leave of Absence</b> .....	<b>4</b>
<b>4</b>	<b>Confirmation of Minutes</b> .....	<b>5</b>
<b>5</b>	<b>Declaration of Conflict of Interest</b> .....	<b>5</b>
<b>6</b>	<b>Public Question Time</b> .....	<b>5</b>
<b>7</b>	<b>Business Reports for Decision</b> .....	<b>5</b>
7.1	Delegates Report - 24 August 2021 to 27 September 2021.....	5
7.2	P20341 1115 Shelford-Mt Mercer Road, Shelford (Broiler farm) .....	6
7.3	Annual Report 2020/21 .....	7
7.4	In-Principle Performance Statement and In-Principle Financial Statements for the Year Ended 30 June 2021.....	8
7.5	Finance Quarter 4 Update.....	9
7.6	Submissions to 2021-22 Long Term Financial Plan.....	9
7.7	Arts Culture and Heritage Strategy 2022-2026 for Exhibition.....	10
7.8	Draft Golden Plains Shire Municipal Public Health and Wellbeing Action Plan 2021-2025.....	10
7.9	VAGO Audit - Sexual Harassment in Local Government.....	11
7.10	Local Roads and Community Infrastructure Program - Phase 3 Funding Allocation .....	12
7.11	Audit & Risk Committee Report - 14 September 2021.....	13
7.12	Audit and Risk Committee - Annual Performance Review.....	14
7.13	Council Governance Rules Review - Draft for Public Exhibition .....	14
7.14	Gifts, Benefits and Hospitality Register .....	15
<b>8</b>	<b>Notices of Motion</b> .....	<b>15</b>
8.1	Notice of Motion - Establishing an off-road trail between Teesdale and Bannockburn.....	15
<b>9</b>	<b>Petitions</b> .....	<b>16</b>
	Nil	
<b>10</b>	<b>Confidential Reports for Decision</b> .....	<b>16</b>
	Nil	

**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL  
COUNCIL MEETING  
HELD VIRTUALLY  
ON TUESDAY, 28 SEPTEMBER 2021 AT 6.00PM**

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

**IN ATTENDANCE:** Eric Braslis (CEO), Phil Josipovic (Director Infrastructure and Development), Philippa O'Sullivan (Director Corporate Services), Steven Sagona (Acting Director Community Services), Rosie Wright (Governance and Legal Services Specialist), Sophie Brown (Governance and Corporate Services Admin Officer)

The Mayor made the following statement:

*“Good Evening Everyone and welcome to tonight’s Council Meeting the 28<sup>th</sup> September 2021. My name is Helena Kirby and I am the Mayor at the Golden Plains Shire Council.*

*Tonight this Council Meeting is taking place virtually and being presented in a different way, via livestream.*

*The public are encouraged to watch virtual meetings through live streaming which is available on Council’s website and YouTube page.*

*As Chair of the Meeting I give my consent for this open Council meeting to be, recorded and published online, in accordance with Section 14 of Council’s Governance Rules of 2020.*

*The stream will stop at the conclusion of the meeting.*

*Should technical issues prevent the continuation of the stream, every effort will be made to bring the steam back online as soon as possible.*

*A recording will be made available on Council’s website following the meeting.*

*I will now run through the procedures to ensure the meeting runs as smoothly as possible.*

*In accordance with Requirement 1 of the Ministers Good Practice Guideline, I will address each Councillor individually to confirm the following:*

- they can hear the proceedings;*
- they can see other Councillors in attendance;*
- they can be seen by other Councillors; and*
- they can be heard when speaking.*

*If a Councillor is unable to confirm that they can hear and see the proceedings, or if they cannot be seen or heard, they will be recorded as absent in the Minutes and be ineligible to vote on Agenda items.*

*I will now confirm that all Councillors can be seen and heard:*

- Deputy Mayor, Cr Ian Getsom, can you please confirm that I can be seen and heard?  
Cr Ian Getsom: I can hear you Madam Mayor, and be heard.*
- Cr Brett Cunningham, can you please confirm that you can hear and see other Councillors?  
Cr Brett Cunningham: Good Evening Madam Mayor, I can see all Councillors and I can also hear all Councillors taking part in tonight’s meeting, thank-you.*

- *Cr Gavin Gamble, can you please confirm that you can hear and see other Councillors?*  
*Cr Gavin Gamble: Yes Mayor Kirby, I can see all the other Councillors and hear loud and clear.*
- *Cr Les Rowe, can you please confirm that you can hear and see other Councillors?*  
*Cr Les Rowe: I can view and hear all other fellow Councillors, thank-you.*
- *Cr Owen Sharkey, can you please confirm that you can hear and see other Councillors?*  
*Cr Owen Sharkey: Thank-you very much Madam Mayor, I can see and hear all Councillors.*
- *Cr Clayton Whitfield, can you please confirm that you can hear and see other Councillors?*  
*Cr Clayton Whitfield: Thanks Madam Mayor, I can see and hear all other Councillors.*

*If any Councillor drops out during the meeting, they will be recorded as having left the meeting at that time and the meeting will continue as normal.*

*If a Councillor re-joins the meeting, I will in accordance with Requirement 1 of the Ministers Good Practice Guideline again ask the Councillor to confirm that they can hear the proceedings, see others in attendance and can be heard. Upon this confirmation it will be recorded in the minutes that the Councillor re-joined the meeting.*

*Councillors, if you would like to move or second a motion, please raise your hand in a manner that can be clearly seen on your computers camera.*

*Councillors, when voting on a matter, please also raise your hand either for or against the motion in a manner that can be clearly seen on your computers camera. Please leave your hand raised until I have declared the motion as being carried or lost.*

*If you wish to speak to an item during debate, please also raise your hand in a manner that can be clearly seen on your computers camera and leave your hand raised until I have asked you to speak. This will allow me, as the Mayor, to manage the debate accordingly.*

*When you are not speaking please ensure you are on mute.*

*Thank you."*

## **1 OPENING DECLARATION**

We the Councillors of the 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 the Golden Plains Shire.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar people. We acknowledge them as the Traditional Owners and Custodians. Council pays its respects to Wadawurrung Elders past, present and emerging. Council also respects Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of the Golden Plains Shire.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Nil

#### **4 CONFIRMATION OF MINUTES**

##### **RESOLUTION**

Cr Les Rowe requested a correction to the minutes of the Ordinary Council Meeting held on 24 August 2021. Cr Rowe had difficulties with the internet and dropped out for a total of 5 minutes during items 7.11 and 7.12. In line with Requirement 1 of the Ministers Good Practice Guidelines, it should be recorded in the minutes the time that Cr Rowe left the meeting and re-joined the meeting.

Moved: Cr Les Rowe  
Seconded: Cr Ian Getsom

That the minutes of the Ordinary Council Meeting held on 24 August 2021 be confirmed, subject to the following correction being made:

- In line with Requirement 1 of the Ministers Good Practice Guidelines, it should be recorded in the minutes that Cr Rowe had difficulties with the internet and dropped out for a total of 5 minutes during items 7.11 and 7.12.

**CARRIED**

#### **5 DECLARATION OF CONFLICT OF INTEREST**

Nil

#### **6 PUBLIC QUESTION TIME**

No public questions have been submitted for tonight's meeting.

#### **7 BUSINESS REPORTS FOR DECISION**

##### **7.1 DELEGATES REPORT - 24 AUGUST 2021 TO 27 SEPTEMBER 2021**

##### **RESOLUTION**

Cr Brett Cunningham requested a correction to the Delegates Report 24 August 2021 to 27 September 2021. Cr Les Rowe was not in attendance for the GPSC Corporate Services Portfolio Meeting.

Moved: Cr Clayton Whitfield  
Seconded: Cr Brett Cunningham

That Council receive and note the Delegates Report – 24 August 2021 to 27 September 2021, subject to the following correction being made:

- Cr Les Rowe was not in attendance for the GPSC Corporate Services Portfolio Meeting.

**CARRIED**

**7.2 P20341 1115 SHELFORD-MT MERCER ROAD, SHELFORD (BROILER FARM)****Speaker**

Jack Kraan (on behalf of Applicant)

**EXECUTIVE SUMMARY**

This report relates to a planning permit application for a broiler farm at 1115 Shelford-Mt Mercer Road, Shelford. The report was originally presented to the 24 August 2021 Ordinary Council meeting for a decision. Council did not support the officer's recommendation to issue a notice of decision to issue a permit, however, did not make a final determination on the application. The report provides a background to the application and a summary of the relevant planning considerations.

The application has been referred to the Council Meeting for determination because there are 15 objections to the application, and given the number of submissions and media attention, officers are of the opinion that the application is considered significant to the municipality. The matters raised by objectors include odour, environmental impacts, traffic and roads, noise, visual impact, power and water supply, avian influenza and animal welfare. Councillors have been provided with a full copy of the application and objections for consideration before making a decision.

As a final decision was not made at the August 2021 Council Meeting, the applicant has since lodged an Application for Review at the Victorian Civil & Administrative Tribunal (VCAT) against Council's failure to determine the application within the prescribed time. The matter has been set down by VCAT for a hearing on 2, 3, 4, 5 and 6 May 2022. Council is now required to form a position on the application prior to the VCAT proceeding. Council officers recommend that Council forms a position of support for the application, subject to the conditions attached to this report.

**RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Ian Getsom

That Council resolves to form a position of support for planning permit application P20341 for the use and development of the land for the purposes of a broiler farm and associated buildings and works at 1115 Shelford-Mt Mercer Road, Shelford subject to the conditions attached to this report.

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

Against: Cr Brett Cunningham

**CARRIED 6/1**

### 7.3 ANNUAL REPORT 2020/21

#### EXECUTIVE SUMMARY

Under Section 133(1) of the Local Government Act 1989 (the Act), Council must prepare an Annual Report every financial year and submit it to the Minister of Local Government by 30 September. On 15 September 2021, Council received notification that the Acting Local Government Minister had approved an extension with a new submission date this year of 30 November 2021, however Council has completed the Annual Report 2020/21 to the original timeframe and will submit it to the Minister of Local Government by 30 September 2020/21.

The Act also requires that the Annual Report is presented at a Council Meeting open to the public, and that Council give public notice that the Annual Report has been prepared and can be inspected at the Council office and on Council's website.

The unqualified Audit opinions on the Performance Statement 2020/21 and Financial Statements 2020/21 are included in the document and disclose an overall surplus of \$9.1 million, an Adjusted Underlying Result of (\$0.08) million deficit and capital expenditure on assets of \$14.3 million.

#### RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Gavin Gamble

That Council receive the Golden Plains Shire Council Annual Report 2020/21, in accordance with the *Local Government Act 1989*.

**CARRIED**

## 7.4 IN-PRINCIPLE PERFORMANCE STATEMENT AND IN-PRINCIPLE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

### EXECUTIVE SUMMARY

This report is for Council to note the Audit and Risk Committee approved in principle the Performance Statement and Financial Statements as attached, and two Councillors to certify these statements in accordance with Section 99 of the *Local Government Act 2020*.

Due to the tight timeline in approving the 'In Principle' Performance Statement and 'In Principle' Financial Statements following completion of the audit, it is necessary to delegate authority to the Audit and Risk Committee to approve the Statements and to authorise two Councillor representatives of the Committee to certify them. At the Council meeting of 27 July 2021 Council resolved to delegate this approval.

The Performance Statement and Financial Statements are approved 'In Principle', being approval of the statements subject to VAGO clearance and no material changes to the accounts are presented, which is consistent with the approach adopted in prior years and also by other Councils. Any material changes require approval from the Audit and Risk Committee.

### RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Ian Getsom

That Council note:

1. The attached 2020/21 financial and performance statements.
2. The Audit and Risk Committee having delegated power to act, and in accordance with Section 99 of the *Local Government Act 2020*, approved in principle the Performance Statement and Financial Statements, and submit the statements to the auditor for reporting on the audit.
3. That due to External Audit's positive outcomes in the Management Letter, the Audit and Risk Committee recommended the 2020/21 financial statements to be certified.
4. As authorised by Council at the 27 July 2021 meeting, the Mayor and Cr Cunningham, as Council representatives of the Audit and Risk Committee, certified the Performance Statement and Financial Statements.

**CARRIED**



## **7.5 FINANCE QUARTER 4 UPDATE**

### **EXECUTIVE SUMMARY**

As at 30 June 2021, the Income Statement reports total operating revenue of \$52.7m and total operating expenditure of \$43.6m, which results in a year to date surplus of \$9.1m. This is \$3.0m favourable compared to the original budget, and \$122k unfavourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure (including commitments) of \$14.3m, which is \$0.7m below the original budget, and \$10.0m below the revised budget. The revised budget includes \$6.5m carried forward from 2019-20 due to new income/funded projects throughout the year.

The Quarter 4 report was presented to the Audit and Risk Committee at the 14 September 2021 meeting for noting.

### **RESOLUTION**

Moved: Cr Brett Cunningham

Seconded: Cr Les Rowe

That Council note the content in the Quarter 4 (Final Quarter) Finance Report for the 12 months ended 30 June 2021.

**CARRIED**

## **7.6 SUBMISSIONS TO 2021-22 LONG TERM FINANCIAL PLAN**

### **EXECUTIVE SUMMARY**

At its meeting held on 24 August 2021, Council resolved to place on public exhibition the 2021-22 Draft Long Term Financial Plan in accordance with Section 96 of *the Local Government Act, 2020* (the Act).

The 2021-22 Long Term Financial Plan was placed on public exhibition for a three week period and no public submissions were received.

### **RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council note the 2021-22 Long Term Financial Plan was placed on public exhibition for a three week period and no submissions were received.

**CARRIED**

## **SUSPENSION OF STANDING ORDERS**

### **RESOLUTION**

Moved: Cr Les Rowe

Seconded: Cr Brett Cunningham

A motion was moved to suspend standing orders to take a break at 7.56pm.

**CARRIED**

## **RESUMPTION OF STANDING ORDERS**

**RESOLUTION**

Moved: Cr Les Rowe  
Seconded: Cr Brett Cunningham

A motion was moved that Council resume standing orders at 8.06pm.

**CARRIED**

**7.7 ARTS CULTURE AND HERITAGE STRATEGY 2022-2026 FOR EXHIBITION****EXECUTIVE SUMMARY**

The draft *Arts, Culture and Heritage Strategy 2022-2026* has been developed in conversation with the Golden Plains community. It describes our cultural aspirations and details four clear strategic directions, each with a list of key actions to enable us to deliver on a number of council objectives. The objectives guiding this strategy ensure that arts, culture, and heritage initiatives will directly and measurably contribute to connected and resilient communities, whose cohesion is strongly linked to arts and culture, health and wellbeing, and economic development. The Strategy will promote understanding and celebration of our indigenous heritage, rich histories and creative future. It is recommended that the draft Strategy be publicly exhibited for feedback prior to adoption at the November Council meeting.

**RESOLUTION**

Moved: Cr Gavin Gamble  
Seconded: Cr Brett Cunningham

That Council endorse the 'Draft Golden Plains Shire Arts, Culture and Heritage Strategy 2022-2026' (Attachment 1) for public exhibition.

**CARRIED**

**7.8 DRAFT GOLDEN PLAINS SHIRE MUNICIPAL PUBLIC HEALTH AND WELLBEING ACTION PLAN 2021-2025****EXECUTIVE SUMMARY**

Council has adopted the Municipal Public Health and Wellbeing Plan (MPHWP) as an integrated component of the Golden Plains Shire Council Plan 2021-2025. The MPHWP identifies five priority areas, namely: Improving mental wellbeing; Increasing active living; Preventing family violence and advancing gender equity; Increasing healthy eating; and Tackling climate change and its impact on health. To progress implementation of these priorities, a draft '*Municipal Public Health and Wellbeing Action Plan 2021-2025*' ("the Action Plan") has been prepared. It is recommended that the Action Plan be publicly exhibited for feedback prior to adoption at the October Council meeting. The *Public Health and Wellbeing Act 2008* requires the Action Plan be submitted to the Department of Health by 29 October 2021.

**RESOLUTION**

Moved: Cr Clayton Whitfield  
Seconded: Cr Brett Cunningham

That Council endorse the 'Draft Golden Plains Shire Municipal Public Health and Wellbeing Action Plan 2021-2025' (Attachment 1) for public exhibition.

**CARRIED**

## 7.9 VAGO AUDIT - SEXUAL HARASSMENT IN LOCAL GOVERNMENT

### EXECUTIVE SUMMARY

In February 2021, the Audit and Risk Committee and Council were presented with the findings of the Audit report conducted by the Victorian Audit Generals Office (VAGO) on Sexual Harassment in Local Government.

An action plan has been developed by Council to incorporate these recommendations and also the requirements of the *Gender Equality Act 2020* due to the close alignment.

Following the presentation of the action plan, Council resolved at the Council meeting of 27 April 2021 to receive quarterly reports on actions, progress and implementation of the recommendations as contained in the "Sexual Harassment In Local Government" report conducted by the Victorian Auditor-General's Office, December 2020 and as adopted by Golden Plains Council in February 2020 to ensure that actions were being progressed.

As a result, this report will be provided at the 28 September 2021 Council meeting.

### RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Gavin Gamble

That Council:

1. Note the update on the implementation of the action plan for the recommendations made in the VAGO report into Sexual Harassment in Local Government.
2. Note this report was presented to the Audit and Risk Committee at the meeting on 14 September 2021 and was recommended to be presented at the next Council meeting.

**CARRIED**

## 7.10 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 3 FUNDING ALLOCATION

### EXECUTIVE SUMMARY

In May 2021, Council received correspondence from the Hon Michael McCormack MP (Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development) and The Hon Mark Coulton MP (Minister for Regional Health, Regional Communications and Local Government) announcing that the Federal Government had allocated in its 2021-22 Budget a further \$1 Billion for the Local Roads and Community Infrastructure (LRCI) Program. An allocation of \$2,667,310 will be made to Golden Plains Shire Council.

The guidelines for the extended program had not been released at time of writing this report, but based on the existing guidelines and available information regarding the extended program, officers believe the key eligibility criteria for projects to be nominated include:

- Projects eligible for funding are local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.
- Projects must be delivered by 30 June 2023.
- Projects must be additional to existing work plans.
- LRCI funding cannot be used to substitute other funding sources, including Council budget allocations.

Council Officers have compiled a list of potential projects to fund under the LRCI Phase 3 program and made recommendations on projects to be supported.

### MOTION

Moved: Cr Gavin Gamble

Seconded: No Seconder

That Council defer accepting this recommendation for one month in order to consider how some of this funding is used.

### LAPSED

The motion lapsed for want of a seconder

### RESOLUTION

Moved: Cr Owen Sharkey

Seconded: Cr Les Rowe

That Council:

1. Endorse allocating \$2,667,310 as part of the Federal Government's Local Roads and Community Infrastructure Program Phase 3 funding to the following projects (project allocations shown in brackets):
  - (i) Meredith to Shelford Road – Stage 4 (\$990,000)
  - (ii) Meredith Interpretive Centre Septic System (\$42,000)
  - (iii) Bannockburn Bowls Sewer connection (\$210,000)
  - (iv) Bannockburn Youth Hub Fit out (\$77,000)
  - (v) Public Open Space Asset Renewal (\$500,500)
  - (vi) Meredith to Shelford Road - Stage 5 (\$667,810)
  - (vii) Lethbridge Lakes Boardwalk upgrade (\$180,000)

2. Note the Meredith to Shelford Road – Stage 5 project is contingent on securing additional funding of \$322,190.
3. Note the list of projects endorsed by Council will be submitted to the Department of Infrastructure, Transport, Regional Development for final approval.

**CARRIED**

## **7.11 AUDIT & RISK COMMITTEE REPORT - 14 SEPTEMBER 2021**

### **EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 14 September 2021 meeting of the Audit & Risk Committee.

### **RESOLUTION**

Moved: Cr Brett Cunningham

Seconded: Cr Ian Getsom

That Council note the minutes from the Audit & Risk Committee meeting held on 14 September 2021.

**CARRIED**

## 7.12 AUDIT AND RISK COMMITTEE - ANNUAL PERFORMANCE REVIEW

### EXECUTIVE SUMMARY

Under section 13 of Golden Plains Shire Council's adopted Audit and Risk Committee Charter under Other responsibilities, the Committee members are required to 'on an annual basis undertake an assessment of its performance against the Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting'. As a result, this report presents the outcomes from the Committee's self-assessment for 2020/21.

The results from the 2020/21 self-assessment indicates that the committee members are satisfied with the performance of the Committee throughout 2020/21. The average result for all eight areas was rated at 99.5% across both 'adequate' or 'more than adequate'.

However, it is noted that there is an opportunity to improve the process for audit and risk committee members to access advice and/or training to improve their skills and knowledge. This feedback will be taken into account for the next twelve months to support committee members.

Management has continued a dedicated focus on increasing the quality of reports to the Audit and Risk Committee over the last 12 months with a significant increase in reporting of on risk management and occupational, health and safety reporting to ensure key issues, trends and themes are clearly identified to enable measures are put in place to mitigate the organisations risks.

### RESOLUTION

Moved: Cr Brett Cunningham

Seconded: Cr Clayton Whitfield

That Council:

1. Notes the Audit and Risk Committee's self-assessment report for the 2020/21 year.
2. Notes that the number of areas that have improved from last year.
3. Notes the areas where there continues to be opportunities to improve.

**CARRIED**

## 7.13 COUNCIL GOVERNANCE RULES REVIEW - DRAFT FOR PUBLIC EXHIBITION

### EXECUTIVE SUMMARY

The Governance Rules were adopted by Council on 25 August 2020, in accordance with section 60 of the *Local Government Act 2020* (LGA20). Following a period of review by council officers, opportunities for improvement and clarification of the Governance Rules have been identified and it is proposed that the Governance Rules are amended.

The LGA20 enables Council to amend its Governance Rules (s 60(3)) and, in doing so, Council must ensure that a process of community engagement is followed (s 60(4)). It is proposed that Council endorse the draft amendment to the Governance Rules and place the document on public exhibition in order to meet this requirement.

**RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council:

1. Endorse the review of the Governance Rules (Attachment 1) with the following changes:
  - a. Amend 25.1.2 to read, "Be signed by the councillor intending to move the motion. The motion at the meeting to be dealt with in accordance with rule 33";
  - b. Remove the proposed addition of 25.2.3 "proposes to establish, extend or amend council policy."
2. Place the document on public exhibition for a period of 3 weeks.
3. Hear any submissions at the 26 October 2021 Council meeting.
4. Consider the Governance Rules for adoption at the November 2021 Council meeting.

**CARRIED**

**7.14 GIFTS, BENEFITS AND HOSPITALITY REGISTER****EXECUTIVE SUMMARY**

To ensure compliance with the Local Government Act, Council has established a record of gifts, benefits and hospitality received by Councillors and Council Officers.

The Gifts, Benefits and Hospitality Register is to be reviewed annually by the Audit and Risk Committee and then recommended to be noted by Council and the Council meeting immediately following the Audit and Risk Committee meeting.

**RESOLUTION**

Moved: Cr Clayton Whitfield

Seconded: Cr Brett Cunningham

That Council note the gifts, benefits and hospitality received by Councillors and Council Officers over the period 30 April 2020 to 31 August 2021.

**CARRIED**

**8 NOTICES OF MOTION****8.1 NOTICE OF MOTION - ESTABLISHING AN OFF-ROAD TRAIL BETWEEN TEESDALE AND BANNOCKBURN**

I, Councillor Gavin Gamble, give notice that at the next Ordinary Meeting of Council be held on 28 September 2021, I intend to move the following motion:-

**RESOLUTION**

Moved: Cr Gavin Gamble  
Seconded: Cr Brett Cunningham

That Council request that a report by Council officers be presented to Council at the October or November ordinary meeting regarding the feasibility and costings of establishing of an off-road trail between Teesdale and Bannockburn.

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

Against: Crs Les Rowe, Owen Sharkey, Ian Getsom and Clayton Whitfield

**LOST 3/4**

**9 PETITIONS**

Nil

**10 CONFIDENTIAL REPORTS FOR DECISION**

Nil

**The Meeting closed at 9.45pm.**

**The minutes of this meeting were confirmed at the Council Meeting held on 26 October 2021.**

.....  
**CHAIRPERSON**