

# **MINUTES**

# **Council Meeting**

6.00pm Tuesday 26 October 2021

**VENUE:** Virtual Meeting

NEXT COUNCIL MEETING 6.00pm Tuesday 16 November 2021

Copies of Golden Plains Shire Council's Agendas & Minutes Can be obtained online at <a href="https://www.goldenplains.vic.gov.au">www.goldenplains.vic.gov.au</a>

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# MINUTES OF GOLDEN PLAINS SHIRE COUNCIL COUNCIL MEETING HELD VIRTUALLY ON TUESDAY, 26 OCTOBER 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 (Acting Coordinator Governance and Risk), Sophie Brown (Acting Governance and Legal Services Officer)

The Mayor made the following statement:

"Good Evening everyone and welcome to tonight's Council Meeting. We've had a beautiful sunny day in the Golden Plains Shire. We welcome you to tonight's meeting. 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? Deputy Mayor, Cr Ian Getsom: Yes you can Madam Mayor, be seen and heard.
- Deputy Mayor, Cr Ian Getsom, can you please now confirm that you can hear and see other Councillors?
  - Deputy Mayor, Cr Ian Getsom: I can hear and see other Councillors Madam Mayor.
- Cr Brett Cunningham, can you please confirm that you can hear and see other Councillors?
   Cr Brett Cunningham: Good Evening Madam Mayor, yes I can see all fellow Councillors and also hear them.

- Cr Gavin Gamble, can you please confirm that you can hear and see other Councillors? Cr Gavin Gamble: Yes Mayor, I can see and hear other Councillors.
- Cr Les Rowe, can you please confirm that you can hear and see other Councillors? Cr Les Rowe: Thanks Madam Mayor, I can see and hear fellow Councillors.
- Cr Owen Sharkey, can you please confirm that you can hear and see other Councillors? Cr Owen Sharkey: I can see and hear everyone thank-you Madam Mayor.
- Cr Clayton Whitfield, can you please confirm that you can hear and see other Councillors?

  Cr Clayton Whitfield: Yes Madam Mayor I can see and hear all other Councillors, thank-you.

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 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 thestandards 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 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

Moved: Cr Brett Cunningham

Seconded: Cr Ian Getsom

That the minutes of the Ordinary Council Meeting held on 28 September 2021 and the Council Meeting held on 12 October 2021 be confirmed.

**CARRIED** 

## 5 DECLARATION OF CONFLICT OF INTEREST

Mayor Cr Helena Kirby declared a material conflict of interest in Item 7.3 under Section 128 of the Local Government Act 2020. The nature of the interest being that the Mobile Traders Policy could have a financial loss to her business, the Rokewood Takeaway. Mayor Cr Helena Kirby left the meeting at 6:37pm and returned at 6:46pm. Mayor Cr Helena Kirby was absent whilst this matter was being discussed and considered.

# 6 PUBLIC QUESTION TIME

Nil

#### 7 BUSINESS REPORTS FOR DECISION

#### 7.1 DELEGATES REPORT - 28 SEPTEMBER 2021 TO 25 OCTOBER 2021

	Cr Kirby	Cr Cunningham	Cr Gamble	Cr Getsom	Cr Rowe	Cr Sharkey	Cr Whitfield
Council Meeting	✓	✓	<b>✓</b>	<b>√</b>	✓	<b>✓</b>	✓
Councillor Briefing	✓	✓	<b>√</b>	✓	✓	✓	✓
Strategic Councillor Briefing	✓	✓	<b>✓</b>	✓	<b>√</b>	<b>✓</b>	✓
Portfolios	✓	✓	✓	✓	✓	✓	✓

Cr Helena Kirby

1 October G21 Board Meeting

4 October Berrybank Community Engagement Committee meeting

8 October MAV Regional meeting

12 October Hearing of Submissions, Draft Local Law

21 October Active Ageing & Inclusion Advisory Group meeting

21 October Opening for the Smythesdale Digital Hub

22 October Peri Urban Group of Rural Councils Board meeting

# **Cr Brett Cunningham**

12 October Hearing of Submissions, Draft Local Law

18 October Tourism Greater Geelong and the Bellarine Annual General meeting

21 October Opening for the Smythesdale Digital Hub

Cr Gavin Gamble

11 October G21 Environment Pillar meeting 12 October G21 Transport Pillar meeting

12 October Hearing of Submissions, Draft Local Law

Cr Ian Getsom

12 October G21 Transport Pillar Meeting

12 October Hearing of Submissions, Draft Local Law 21 October Timber Towns Victoria General meeting

**Cr Les Rowe** 

12 October Hearing of Submissions, Draft Local Law 21 October Timber Towns Victoria General meeting

**Cr Owen Sharkey** 

8 October MAV Regional meeting

12 October Hearing of Submissions, Draft Local Law

**Cr Clayton Whitfield** 

12 October Hearing of Submissions, Draft Local Law

22 October Grampians Central West Waste & Resource Recovery Group Forum

RESOLUTION

Moved: Cr Les Rowe

Seconded: Cr Brett Cunningham

That Council receive and note the Delegates Report – 28 September 2021 to 25 October 2021.

# 7.2 ADOPTION OF GOLDEN PLAINS SHIRE MUNICIPAL PUBLIC HEALTH AND WELLBEING ACTION PLAN 2021-2025

# **EXECUTIVE SUMMARY**

Council 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.

At its meeting on 28 September 2021, Council resolved to endorse the draft Golden Plains Shire Municipal Public Health and Wellbeing Action Plan 2021-2025 ("the Action Plan") for public exhibition. Following a three-week exhibition period during which no submissions were received, this report recommends adoption of the Action Plan.

## **RESOLUTION**

Moved: Cr Clayton Whitfield Seconded: Cr Ian Getsom

#### That Council:

- 1. Notes that the draft Golden Plains Shire Municipal Public Health and Wellbeing Action Plan 2021-2025 has been publicly exhibited with no submissions received.
- 2. Adopts the Golden Plains Shire Municipal Public Health and Wellbeing Action Plan 2021-2025 (Attachment 1) in accordance with the *Public Health & Wellbeing Act 2008*.

**CARRIED** 

Mayor Cr Helena Kirby declared a material conflict of interest in Item 7.3 under Section 128 of the Local Government Act 2020. The nature of the interest being that the Mobile Traders Policy could have a financial loss to her business, the Rokewood Takeaway. Mayor Cr Helena Kirby was absent whilst this matter was being discussed and considered.

At 6:37pm Mayor Cr Helena Kirby left the meeting.

Cr Ian Getsom, Deputy Mayor assumed the chair.

#### 7.3 ADOPTION OF MOBILE TRADERS POLICY

#### **EXECUTIVE SUMMARY**

This policy defines Council's commitment to existing bricks and mortar businesses within the shire, whilst permitting residents the opportunity to have access to different types of foods and services. This policy provides a framework which will enable Council officers to provide a consistent approach to the issuing of mobile trading permits

#### RESOLUTION

Moved: Cr Clayton Whitfield Seconded: Cr Gavin Gamble

#### That Council:

- 1. Notes that the Mobile Traders Policy has been publicly exhibited with 42 submissions received.
- 2. Adopts the Mobile Traders Policy as attached.

**CARRIED** 

At 6:46 pm, Mayor Cr Helena Kirby returned to the meeting and resumed the chair.

#### 7.4 G21 AND AFL BARWON TOWARDS 2030: STRATEGY

#### **EXECUTIVE SUMMARY**

The 'G21 and AFL Barwon Towards 2030: Strategy' aims to guide the future planning and development of football and netball throughout the G21 Region for the next 10 years.

The Strategy is an initiative of AFL Barwon and the G21 Sport & Recreation Pillar and has been informed by a facilities audit, participation data and with the collaboration and engagement of stakeholders in the G21 Region including the five participating Councils.

The project to develop an updated Strategy commenced in January 2020 and the draft Strategy was provided to the member Councils to enable a formal public exhibition process in May 2021.

The final G21 and AFL Barwon Towards 2030: Strategy has been endorsed by the G21 Project Control Group (established to lead the project) and the G21 Sport & Recreation Pillar, and has now been provided to the G21 Councils, AFL Barwon and Netball Victoria. The Strategy highlights key findings, current trends and strategic priorities for football and netball throughout the G21 Region, including for Golden Plains Shire.

It is recommended that Council now endorse the Strategy.

#### **MOTION**

Moved: Cr Gavin Gamble Seconded: Cr Brett Cunningham

That Council note that the 'G21 and AFL Barwon Towards 2030: Strategy' (Attachment 1) has

been completed.

**LOST** 

#### **RESOLUTION**

Moved: Cr Owen Sharkey Seconded: Cr Les Rowe

That Council endorse the 'G21 and AFL Barwon Towards 2030: Strategy' (Attachment 1).

# 7.5 GROWING SUBURBS FUND - ROKEWOOD COMMUNITY HUB AND PAVILION UPGRADE

#### **EXECUTIVE SUMMARY**

This report seeks Council's endorsement of a funding application that was recently prepared and submitted for development of a Community Hub and Pavilion Upgrade at Rokewood Recreation Reserve.

The submission has been provided to the Growing Suburbs Fund in response to a funding round that was made available to interface and peri-urban Councils until 13 October 2021. Architectural concepts developed through engagement with the Rokewood community were obtained for the project with delivery and costings proposed across four different stages (Attachment 1).

Following discussion with representatives from the Growing Suburbs Fund, the total proposed project cost of \$4,864,683 has been included in the submission. This includes a \$442,000 contribution from Council and \$18,000 from the Rokewood Recreation Reserve Committee of Management, with the remaining amount of \$4,404,683 requested in the application from the funding body.

#### RESOLUTION

Moved: Cr Clayton Whitfield Seconded: Cr Ian Getsom

#### That Council:

- 1. Endorse the submission of the grant application to the Growing Suburbs Fund for the Rokewood Community Hub and Pavilion Upgrade.
- 2. Note that Council officers will continue to consider and engage on a revised scope and costing options for the Rokewood Community Hub and Pavilion Upgrade in the event of an alternate (lesser) funding amount being proposed to Council by the Growing Suburbs Fund.

#### 7.6 ADOPTION OF GOVERNANCE RULES

#### **EXECUTIVE SUMMARY**

At its meeting held on 28 September 2021, Council resolved to place on public exhibition the draft Governance Rules amendments in accordance with Section 60(4) of the *Local Government Act* 2020.

The proposed amendments to the Governance Rules were provided for public exhibition for the period of three weeks from 29 September 2021 to 19 October 2021. No public submissions have been received, and the Governance Rules are now presented for adoption.

#### SUSPENSION OF STANDING ORDERS

Moved: Cr Gavin Gamble Seconded: Cr Brett Cunningham

A motion was moved that Council suspend standing orders to take a break at 7.43pm.

#### **RESUMPTION OF STANDING ORDERS**

Moved: Cr Gavin Gamble Seconded: Cr Brett Cunningham

A motion was moved that Council resume standing orders at 7.54pm

#### **MOTION**

Moved: Cr Gavin Gamble Seconded: Cr Clayton Whitfield

That Council:

- 1. Note that the proposed amendments to the Governance Rules were placed on public exhibition for a period of three weeks, with no submissions received.
- 2. Adopts the Governance Rules (Attachment 1).
- 3. The proposed amendments to this recommendation are bought back to the chamber for reevaluation in a period of 6 months.

# **AMENDMENT TO MOTION**

Moved: Cr Owen Sharkey Seconded: Cr Brett Cunningham

That Council:

4. Amend item 25.2.2 and reduce the figure of \$100,000.00 to \$10,000.00.

# **RESOLUTION**

Moved: Cr Gavin Gamble Seconded: Cr Clayton Whitfield

That Council:

- 1. Note that the proposed amendments to the Governance Rules were placed on public exhibition for a period of three weeks, with no submissions received.
- 2. Adopts the Governance Rules (Attachment 1).
- 3. The proposed amendments to this recommendation are bought back to the chamber for re-

evaluation in a period of 6 months.

4. Amend item 25.2.2 and reduce the figure of \$100,000.00 to \$10,000.00.

**CARRIED** 

The amendment became the substantive motion

#### 7.7 DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2022-2025

#### **EXECUTIVE SUMMARY**

Councils are required to develop and review a Domestic Animal Management Plan (DAMP) every four years pursuant to the *Domestic Animals Act 1994*. The Plan is required to be submitted to the Department of Jobs, Precincts and Regions (DJPR) by the end of 2021. The scope of the Plan is limited to domestic dogs and cats. A survey was posted online relating to domestic animals and Council received 326 responses, the results of the survey have assisted the development of the plan.

#### **RESOLUTION**

Moved: Cr Clayton Whitfield Seconded: Cr Brett Cunningham

That Council endorse the Draft Domestic Animal Management Plan for public exhibition.

## 7.8 COUNCILLOR DRAFT SEXUAL HARASSMENT POLICY FOR REVIEW

#### **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 Officers to incorporate the eleven recommendations and the requirements of the *Gender Equality Act 2020* due to the close alignment of outcomes of these two key documents. Officers have subsequently provided status updates to the Audit and Risk Committee and Council to highlight progress against the action plan on a quarterly basis.

Two of the recommendations from the audit were to:

- 1. Introduce a standalone sexual harassment policy for staff and Councillors that:
  - Aligns with the Victorian Equal Opportunity and Human Rights Commission's Guideline: Preventing and responding to workplace sexual harassment—Complying with the Equal Opportunity Act 2010 and the Victorian Public Sector Commission's Model Policy for the Prevention of Sexual Harassment in the Workplace
  - Includes clear links to relevant council policies and procedures.
  - Covers the applicability of council policies to different roles and workplace settings, including councillors, customer-facing staff and members of the public.
  - Is searchable on council intranet sites or cloud software, and available in hard copy to all staff.
- 2. Ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including:
  - The council's employee assistance program
  - Councillor Code of Conduct dispute resolution processes
  - External complaint bodies.

In order to address the second recommendation, a standalone draft Councillor Sexual Harassment policy has been developed which is consistent with the staff policy but provides specific references to the Councillors Code of Conduct and the Councillor Dispute resolution policy. The draft policy is attached for Council's review and subsequent approval.

#### RESOLUTION

Moved: Cr Brett Cunningham Seconded: Cr Clayton Whitfield

That Council adopt the councillor sexual harassment policy as attached.

#### 7.9 FINANCE QUARTER 1 UPDATE

#### **EXECUTIVE SUMMARY**

As at 30 September 2021, the Income Statement reports total operating revenue of \$32.3m and total operating expenditure of \$9.5m, which results in a year to date surplus of \$22.7m. This is \$2.1m favourable compared to the original budget, and \$1.8m favourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure (including commitments) of \$7.0m, which is \$4.4m above the original budget, and \$2.5m above the revised budget. The revised budget includes \$8.7m carried forward from 2020-21 due to new income/funded projects throughout the year.

The Quarter 1 report will be presented to the Audit and Risk Committee at the 9 November 2021 meeting for noting.

#### RESOLUTION

Moved: Cr Clayton Whitfield

Seconded: Cr Les Rowe

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

September 2021.

**CARRIED** 

#### 7.10 COVID-19 HARDSHIP ASSISTANCE AND RECOVERY PLAN

#### **EXECUTIVE SUMMARY**

This report provides Council with an update on the assistance provided to customers experiencing financial difficulties as a result of COVID-19 impacts, with a total of \$13,700 of rebates paid to customers in 2021-22 at 30 September 2021.

#### **RESOLUTION**

Moved: Cr Owen Sharkey Seconded: Cr Brett Cunningham

That Council note the assistance provided to our customers through the COVID-19 financial

hardship policy in 2021-22.

# 7.11 LONG TERM FINANCIAL PLAN

#### **EXECUTIVE SUMMARY**

Section 91 of the *Local Government Act 2020* includes a new requirement for Councils to prepare a ten-year financial plan in accordance with its deliberative engagement practices which is required to be adopted by 31 October 2021.

#### RESOLUTION

Moved: Cr Owen Sharkey Seconded: Cr Brett Cunningham

#### That Council:

- 1. Note the requirement to develop and adopt the 2021-22 Long-Term Financial Plan by 31 October 2021 in accordance with Section 91 of the *Local Government Act 2020*.
- 2. Note the 2021-22 Long-Term Financial Plan was placed on public exhibition for a three-week period with no submissions received.
- 3. Adopt the 2021-22 Long Term Financial Plan as previously presented to Council.
- 4. Request a report to be brought to the February 2022 Councillor Briefing to strategically consider:
  - a) Options available to reduce Councils debt levels including what the long term implications of a debt reduction strategy are,
  - b) Options available to reduce the forecasted waste management charge.

**CARRIED** 

#### 7.12 PROCUREMENT POLICY UPDATE

# **EXECUTIVE SUMMARY**

Council is committed to ensuring continuous improvement and strong compliance processes are in place for its procurement activities in order to achieve value for money and generate benefits for Council and its community.

A minor update to the Procurement Policy is required to include arrangements with public bodies or agencies as current projects include collaborative procurement with public bodies and agencies.

#### **RESOLUTION**

Moved: Cr Clayton Whitfield Seconded: Cr Brett Cunningham

That Council adopt the Procurement Policy as attached.

#### 7.13 GPSC-RFQ-11-2021 MOTOR GRADER REPLACEMENT

#### **EXECUTIVE SUMMARY**

Golden Plains Shire Council is seeking to purchase a new motor grader to replace existing Caterpillar P300 Motor Grader.

#### **RESOLUTION**

Moved: Cr Les Rowe Seconded: Cr Owen Sharkey

That Council:

- 1. Resolves to award the Contract RFQ-11-2021 Motor Grader to William Adams Pty Ltd Contracting for the sum of \$426,485 exclusive of GST.
- 2. Delegates to the Chief Executive Officer or his delegate, authority to execute the contract on behalf of Council.

**CARRIED** 

#### 7.14 CEO EMPLOYMENT AND REMUNERATION POLICY

#### **EXECUTIVE SUMMARY**

Section 45 of the *Local Government Act 2020* requires that Council prepare and approve a CEO Employment and Remuneration Policy by 31 December 2021. The policy has been prepared by Council Officers and reviewed by Maddocks Lawyers to ensure that it complies with the requirements of the Act.

# **RESOLUTION**

Moved: Cr Clayton Whitfield Seconded: Cr Brett Cunningham

That Council:

- 1. Adopt the CEO Employment and Remuneration Policy as attached.
- 2. Approve Council commencing an engagement process to appoint an Independent Member in line with the policy requirements.

# 7.15 COUNCILLOR EXPENSES AND MEETING ATTENDANCE - QUARTER ONE EXECUTIVE SUMMARY

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for quarter one of 2021/22. 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 only one annual update as reported in Council's annual report.

#### RESOLUTION

Moved: Cr Gavin Gamble Seconded: Cr Brett Cunningham

That Council note the contents of the Councillor Expenses and attendance report for quarter one of 2021/22.

**CARRIED** 

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

## 10 CONFIDENTIAL REPORTS FOR DECISION

#### **RESOLUTION**

Moved: Cr Brett Cunningham

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 Chief Executive Officer Performance Review - Annual Review Report

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 Ian Getsom

Seconded: Cr Brett Cunningham

That Council moves out of Closed Council into Open Council.

**CHAIRPERSON** 

The Meeting closed at 9.27pm.	
The minutes of this meeting were confirmed at the Council Meeting held on 16 2021.	November