



# **COUNCIL MEETING**

## **MINUTES**

**Wednesday 13 December 2023**

**Commencing at 7:00pm**

**Wycheproof Supper Room**

**367 Broadway, Wycheproof**

**Wayne O'Toole  
Chief Executive Officer  
Buloke Shire Council**

**Minutes of the Meeting held on Wednesday, 13 December 2023 commencing at 7:00pm in the Wycheproof Supper Room, 367 Broadway, Wycheproof****PRESENT****CHAIRPERSON:**

Cr Alan Getley Mallee Ward

**COUNCILLORS:**

Cr Bernadette Hogan Mallee Ward  
Cr David Pollard Lower Avoca Ward  
Cr Graeme Milne Mount Jeffcott Ward  
Cr Bronwyn Simpson Mount Jeffcott Ward  
Cr Daryl Warren Mount Jeffcott Ward

**OFFICERS:**

Wayne O'Toole Chief Executive Officer  
Hannah Yu Director Infrastructure and Delivery  
Travis Fitzgibbon Director Community Development  
Michelle Stedman Director Corporate and Organisational Performance  
Dan McLoughlan Manager Assets

**AGENDA****1. COUNCIL WELCOME****WELCOME**

The Mayor Cr Alan Getley welcomed all in attendance.

**STATEMENT OF ACKNOWLEDGEMENT**

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to the Elders from other communities who may be here today.

**2. RECEIPT OF APOLOGIES**

Cr Carolyn Stewart Lower Avoca Ward (leave of absence)

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****MOTION:**

That Council adopt the Minutes of the Statutory Meeting held on Wednesday, 8 November 2023 and Council adopt the Minutes of the Council Meeting held on Wednesday, 8 November 2023.

**Moved:** CR BERNADETTE HOGAN

**Seconded:** CR GRAEME MILNE

**CARRIED.**

**(R173/23)**

**4. REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

Cr Bronwyn Simpson declared a Conflict of Interest for Item 9.5.1 due to being a land holder on Yeungroon Road whereby the Contract was being awarded for rehabilitation of two floodways on that road.

**6. QUESTIONS FROM THE PUBLIC**

NIL

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	NIL	
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	The Meeting may be closed to members of the public to consider confidential matters.	
9.5.1	AWARD CONTRACT NO. C121 2023/24 AGRN 1037 – REHABILITATION OF TWO (2) FLOODWAYS ON YEUNGROON ROAD	
9.5.2	AWARD CONTRACT NO. C122 2023/24 DESIGN & CONSTRUCT CHANGING PLACES AMENITIES BLOCK & CAR PARK AT DONALD MEMORIAL PARK	
9.5.3	AWARD CONTRACT NO. C120 2022/23 BIRCHIP FOOTBALL OVAL LIGHTING UPGRADE	
	If the meeting has been closed it will be brought back into open session by resolution	

## **10. MEETING CLOSE**

### **NEXT MEETING**

THE NEXT COUNCIL MEETING WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 14 FEBRUARY 2024 AT 7:00PM.

**Wayne O’Toole**  
**CHIEF EXECUTIVE OFFICER**

**6. QUESTIONS FROM THE PUBLIC**

Nil

## 7. PROCEDURAL ITEMS

### 7.1 REPORT OF COUNCILLOR ASSEMBLIES

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

**MOTION:**

That the Council note the report of Councillor Assembly Meetings held 1 and 15 November 2023.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R174/23)**

**Attachments:**

- 1 Councillor Briefing Record - 1 November 2023
- 2 Councillor Briefing Record - 15 November 2023

#### KEY POINTS/ISSUES

Transparency is a fundamental principle of democratic governance.

The Local Government Act 2020 (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with Section 57 of The Act, Council at its September 2020 Ordinary Meeting, adopted a Public Transparency policy, designed to improve public transparency in Council's decision-making processes and to assist the community in understanding the information that is accessible to them.

As per the Council Meeting Schedules adopted 9 November 2022 and 8 November 2023, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefings held on 1 and 15 November 2023 is attached for public information.

## 7.2 CORRESPONDENCE INITIATED BY COUNCIL

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/06/06

### PURPOSE

This report notes and records correspondence initiated by Council and informs the Council of the responses received from this correspondence.

### MOTION:

That the Council notes the record of correspondence initiated by Council and the responses received.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.**

**(R175/23)**

**Attachments:** Nil

### TABLE OF CORRESPONDENCE

Council Initiative	Sent to	Sent	Response	Purpose of Letter/Response
Notice of Motion from September 2023 CM to forward letter.	Hon Sonya Kilkenny MP Victorian Minister for Planning	3 Oct 2023		To outline Council's concerns with the impacts on small communities with the introduction of the Windfall Gains Tax (WGT).
Notice of Motion from October 2023 CM to forward letter.	<i>The Hon. Anthony Carbines MP</i> Minister of Victorian Police	19 Oct 2023		Calling on the State Government to guarantee that one-person police stations will not close
Notice of Motion from Nov 2023 CM to forward letter.	<i>Hon Melissa Horne MP</i> <i>Minister for Roads and Road Safety</i>  <i>Copy sent to:</i> <i>Anthony Judd</i> <i>Exec Director</i> <i>Loddon, Mallee and Hume</i> <i>Dept of Transport &amp; Planning</i>	17 Nov 2023		That Council write regarding the poor condition of regional and rural roads and request that these ongoing poor conditions be addressed as a matter of urgency

### 7.3 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** CR/13/01

#### PURPOSE

This report acknowledges and congratulates community persons and/or groups for their success in being recognised for a significant achievement or for being a recipient of an honourable award.

The report also informs Council of any letters of congratulations or any recognition of achievement that Council has received or been awarded in the past month.

#### MOTION:

That the Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R176/23)**

**Attachments:** Nil

#### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Victorian and Tasmanian "2023 Welding Excellence Awards"	Blair Hogan Mallee Steel Birchip		Recipient of the 2023 Young Trades Person of the Year. Noting in 2022 he had been awarded SuniTAFE's Outstanding 3 <sup>rd</sup> Year student in Engineering – Fabrication Trade, and then in 2023 SuniTAFE 3 <sup>rd</sup> year Apprentice of the Year.



<b>Provider</b>	<b>Recipient</b>	<b>Date</b>	<b>Purpose for Recognition</b>
Australian Sambo Championships in Melbourne	Alyssa Hepworth Donald	8 October 2023	Being one of 6 recipients from the St Arnaud Sambo Centre to receive a gold medal for the Australian Sambo Championships. Alyssa's gold was for the Under 60 kg girls Championships.  NB: Sambo (self-defence without weapons) is an activity similar to the wrestling style combat of Judo and Brazilian Jiu Jitsu.
Birchip P-12 School	Bridie Casey Birchip	December 2023	For being awarded Dux of the School for the 2023 year
Charlton College	Lennon Jablonka Charlton	December 2023	For being awarded Dux of the College for the 2023 year
Donald High School	Macie Mortlock Donald	December 2023	For being awarded Dux of the School for the 2023 year
Tyrrell College	Lily McClelland Sea Lake	December 2023	For being awarded Dux of the College for the 2023 year
Wycheproof P-12 College	Kate Thompson Wycheproof	December 2023	For being awarded Dux of the College for the 2023 year

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

**Author's Title:** Statutory Administration Support

**Department:** Community Development

**File No:** DB14/01

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 November to 30 November 2023.

#### MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 November to 30 November 2023.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.**  
**(R177/23)**

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	Address	Project Description	Date Approved
20230029	Corack Road Wycheproof VIC 3527	Construction of a swimming pool or spa barrier	2/11/2023

### LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR

Applic No.	Address	Project Description	Date Approved
PBLD23103	Old Woomelang Road Curyo VIC 3483	Construction of a dwelling	9/11/2023
PBLD23115	Opie Road Karyrie Vic 3483	Re-erection Dwelling (1a(a)) - Frame Stage Only	1/11/2023
PBLD23127	Woods Street Donald VIC 3480	Proposed Dwelling & Garage	23/11/2023
PBLD23128	Mill Street Wycheproof VIC 3527	Construction of Carport	8/11/2023
PBLD23130	Seven Mile Road Charlton Vic 3525	Farm Shed	9/11/2023
PBLD23132	Cumming AVENUE Birchip VIC 3483	Construction of storage shed	14/11/2023
PBLD23134	Mill Street Wycheproof VIC 3527	Proposed Re-Stump of Dwelling	1/11/2023
PBLD23136	Sutcliff Street Sea Lake VIC 3533	Alterations to Existing School Building (Toilet Refurbishments)	23/11/2023
PBLD23137	Birchip-Wycheproof Rd Narraport VIC 3483	Farm Shed	23/11/2023

## 7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Community Development

**File No:** LP/09/01

### PURPOSE

This report provides information on planning applications under consideration by staff and the status of each of these applications.

### MOTION:

That the Council note information contained in the report on planning applications under consideration by staff and the status of each of these applications.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R178/23)**

**Attachments:** Nil

### LIST OF PLANNING APPLICATIONS

Application No	Address	Date Rec	Summary of Proposal	Status
PA23020	Church Street, Culgoa	10/05/2023	Use and development of land for a transfer station (install an RV dump point and septic holding tank)	Review
PA23025	Byrne Street, Donald	16/08/2023	Development of land for a Smoke House restaurant and cocktail bar including the construction of a new deck / entertainment area and amenities and the demolition of two buildings	Permit Issued
PA23026	Horace Street, Sea Lake	06/09/2023	Construct and display internally illuminated business identification sign (LED priceboard)	Review
PA23028	Calder Highway, Berrinwilllock	08/09/2023	Development of a telecommunications facility	Permit Issued
PA23029	McLoughlans Road, Warmur	31/08/2023	Create or alter access to a road in a Transport Zone 2 for the construction of a single dwelling	Permit Issued
PA23030	Borong Highway, Donald	15/09/2023	Creation of access to Borong Highway to an existing Powercor Regulator Site	Permit Issued

<b>Application No</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
PA23031	Calder Highway, Wycheproof	15/09/2023	Creation of access to Borung Highway to an existing Powercor Regulator Site	Permit Issued
PA23032	Boort- Wycheproof Road, Wycheproof	15/09/2023	Creation of access to Borung Highway to an existing Powercor Regulator Site	Permit Issued
PA23033	Borong Highway, Gil Gil	15/09/2023	Creation of access to Borung Highway to an existing Powercor Regulator Site	Permit Issued
PA23034	Enterprise Drive, Donald	25/09/2023	Three-lot subdivision of land	Review
PA23035	Woods Street, Donald	06/10/2023	Alteration of access in a Transport Zone (Creation of new driveway access)	Permit Issued
PA23036	Birchip – Sea Lake Road, Marlbed	11/10/2023	Two-lot subdivision of land	Review
PA23037	Connellan Road, Watchem	24/10/2023	Two lot subdivision of land (boundary re-alignment)	Review
PA23038	Industry Drive, Donald	25/10/2023	Telecommunications Facility (Installation of a 60-metre-high lattice tower and ancillary equipment)	Review

**The information published in the list provided, is in accordance with the *Privacy and Data Protection Act 2014* and the *Planning and Environment Act 1987*.**

## 7.6 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

### PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for completion of action, and the SOA for the 8 November 2023 Council Meeting Resolutions.

### MOTION:

Council to note the Status of Action Report for Council resolutions documented on this list.

**MOVED:** CR GRAEME MILNE

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.  
(R179/23)**

**Attachments:** 1 Status of Actions - Council Resolutions

### KEY POINTS/ISSUES

The Local Government Act 2020 (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with the Council's Governance Rules adopted August 2022, Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured and is a fundamental principle of democratic governance.

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding for completion of action and introducing the SOA for the 8 November 2023 Council Meeting Resolutions.

## 7.7 CIRCULATED MOTION - REAPPOINTMENTS OF AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER AND CHAIR

**Author's Title:** Director Corporate and Organisation Performance

**Department:** Corporate and Organisational Performance **File No:** FM/02/10

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

In the interest of removing an ambiguity or doubt from the original recommendation noted in the Agenda, a revised recommendation was tabled at the Council Meeting by Director Corporate and Organisational Performance, Ms Michelle Stedman, prior to the consideration of this item.

### PURPOSE

This report is presented to Council to note the Circulated Motion regarding the reappointment of Mr Bernard Young as an independent Audit and Risk Committee (Committee) Member, and Ms Margaret Abbey PSM and as Chair of the Committee.

### SUMMARY

A Circulated Motion was distributed to Councillors, via email on 1 December 2023 to consider reappointment of Mr Bernard Young for his second term as an independent member of the Committee and Ms Margaret Abbey PSM as Chair of the Committee for a shortened third term.

The Circulated Motion considered by Council is set out below:

*That Council:*

1. *Reappoint Mr Bernard Young as an independent Audit and Risk Committee Member for a term of 3 years expiring 30 September 2026; and*
2. *Reappoint Ms Margaret Abbey PSM as Chair of the Audit and Risk Committee for a term of 12 months expiring 14 November 2024.*

Councillors approved the Circulated Motion, with all Councillors not on a leave of absence at this time voting in favour.

Council's Governance Rules (August 2022) outline that any Circulated Motion must be reported to the next Council Meeting.

### SUSPENSION OF STANDING ORDERS

#### MOTION:

That standing orders be suspended for Council to have a full discussion on this item.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR GRAEME MILNE

**TWO – IN FAVOUR.**

**FOUR – AGAINST.**

**MOTION WAS LOST.**

**MOTION:**

That Council:

1. Note the circulated motion and the decision of Councillors not on a leave of absence in relation to the reappointment of Mr Bernard Young as an independent Audit and Risk Committee member, and Ms Margaret Abbey PSM as Chair of the Committee for the periods specified; and
2. In the interest of removing any ambiguity or doubt:
  - a) Appoint Mr Bernard Young as an independent Audit and Risk Committee Member for a second term of 3 years, effective from 1 October 2023 to 30 September 2026 inclusive; and
  - b) Appoint Ms Margaret Abbey PSM as Chair of the Audit and Risk Committee for a third term of 12 months, effective from 16 November 2023 to 14 November 2024.

**MOVED: CR BERNADETTE HOGAN**

**SECONDED: CR DAVID POLLARD**

**FIVE – IN FAVOUR**

**ONE – AGAINST**

**CR WARREN CALLED FOR A DIVISION**

**IN FAVOUR - CRS POLLARD, HOGAN, GETLEY, MILNE AND SIMPSON.**

**AGAINST – CR WARREN.**

**CARRIED.**

**(R180/23)**

**Attachments:** Nil

**DISCUSSION**

A Circulated Motion was distributed to Councillors to consider reappointment of Mr Young for his second term as an independent member of the Committee and Ms Margaret Abbey PSM as Chair of the committee for a shortened third term. This was considered via a Circulated Motion due to the Audit and Risk Committee meeting being held prior to the December 2023 Council Meeting.

Mr Young concluded his first term as independent member on Council's Committee in October 2023. As per the Committee Charter, independent members have a right to seek reappointment after their first term; a request for which was received by the Chief Executive Officer via email on 29 November 2023.

Ms. Abbey PSM as a current independent member of the committee has recently concluded a second term as Committee Chair in November 2023. Under the Committee Charter, a Chair may serve two consecutive 24 month terms. Ms Abbey PSM's first term however was only 12 months in duration, meaning she has served as Committee Chair for 36 months instead of 48 months.

In conjunction with advice from the independent members that Mr Young (considered for re-appointment as part of this Circulated Motion) and Mr Dean Sleigh (third independent member) did not consider themselves able to take on Committee Chair duties at this time, it was recommended by the independent members that Ms Abbey PSM remain as Committee Chair for a further 12 month period until her final third term as independent member concludes in November 2024. A 12 month Chair

appointment also aligns Ms Abbey PSM's total period as Committee Chair with the Committee Charter's two consecutive 24 month terms.

#### **Overview of independent member and Committee Chair terms:**

<b>Member/Role</b> (Chair & IM – Independent Member)	<b>Term 1</b>	<b>Term 2</b>	<b>Term 3</b>
Margaret Abbey (Chair)	1 Oct 2020 – 14 Nov 2021 (12.5 Months)	15 Nov 2021 – 15 Nov 2023 (24 months)	<b><u>New Term:</u></b> <b>16 Nov 2023 – 14 Nov 2024</b>
Margaret Abbey (IM)	15 Nov 2018 – 14 Nov 2021	15 Nov 2021 – 14 Nov 2024	
Dean Sleigh (IM)	14 Nov 2019 – 13 Nov 2022	15 Nov 2022 – 15 Nov 2025	
Bernard Young (IM)	1 Oct 2020 – 30 Sept 2023	<b><u>New Term:</u></b> <b>1 Oct 2023 – 30 Sept 2026</b>	

#### **RELEVANT LAW**

Section 53 of the *Local Government Act 2020* outlines the requirement of Council to prepare and approve an Audit and Risk Committee Charter.

#### **RELATED COUNCIL DECISIONS**

The Committee was established by Council on 12 August 2020 and the Charter was adopted on 9 November 2022.

Ms Margaret Abbey PSM was last appointed as independent member and Committee Chair at the Council Meeting on 13 October 2021.

Mr Bernard Young was appointed to his first term as independent member at the Council Meeting on 13 November 2019.

Mr Dean Sleigh was appointed for his second term as independent member at the Council Meeting on 9 November 2022.

#### **OPTIONS**

The Council had the option to determine not to reappoint Mr Young to the maximum allowable term, or Council may've determined not to reappoint Mr Young as an independent member.

In the event the Council determined not to reappoint Mr Young for any further term, the Council would've been required to seek expressions of interest to appoint a new Independent Member and Mr Young would've been unable to attend the December Committee meeting.

The Council may've also determined not to appoint Ms Abbey PSM as Committee Chair, however that was not advisable due to availability of other independent members for this role at this time. If Ms Abbey had not been appointed ahead of the December Committee Meeting, then Ms Abbey would've been considered for a temporary Chair role at the December Committee Meeting until such time as a Chair was appointed.

#### **SUSTAINABILITY IMPLICATIONS**

Not Applicable

#### **COMMUNITY ENGAGEMENT**

Not Applicable



**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable

**COLLABORATION**

Not Applicable

**FINANCIAL VIABILITY**

Fees are paid to Independent Members of the Audit Committee on a per meeting basis in accordance with the section 53(6) of the *Local Government Act 2020*. Payment of fees for Independent Members are provided for as operational expenses in the adopted Budget.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable

**COUNCIL PLANS AND POLICIES**

Not Applicable

**TRANSPARENCY OF COUNCIL DECISIONS**

The Audit and Risk Committee Charter is available on the Council's website. Minutes of the Audit Committee are made available to the public through adoption of Council Meeting Minutes, other than those matters considered confidential.

**CONFLICTS OF INTEREST**

Not Applicable

**8. GENERAL BUSINESS**

**8.1 POLICY REPORTS**

Nil

## 8.2 MANAGEMENT REPORTS

### 8.2.1 DRAFT CHILDREN, YOUTH AND FAMILIES PLAN

**Author's Title:** Manager of Children & Youth

**Department:** Community Development

**File No:** GO/05/02

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

#### PURPOSE

To inform Councillors of the completion of phase one of the development of the Draft Children, Youth and Families Plan and seek endorsement of the release of the draft plan for further community feedback prior to a final Children Youth and Families Plan being presented at a future Council Meeting for endorsement.

#### SUMMARY

Council is well placed to work with the community and other levels of government to enhance the liveability of Buloke for children, young people and their families.

This Plan outlines a framework and strategic objectives to guide Council in working for and with children and young people, from birth through to 25 years, and their families.

#### MOTION:

That Council endorse the Draft Children, Youth and Families Plan to go out for community feedback.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR BERNADETTE HOGAN

**CARRIED.**

**(R181/23)**

**Attachments:** 1 Draft Children, Youth and Families Plan

#### DISCUSSION

The Children Youth and Families Plan combines the Buloke Shire Council Children & Youth Strategy 2016-2019 and Buloke Shire Council Municipal Early Years Plan 2015-2019 into a single ten-year plan to address the needs of children, young people, and families. The Plan focuses on planning, advocacy, and the delivery of services, programs, events, and spaces for children, young people, and their families 2024 – 2034.

The Plan will encompass two age groups.

**Early Years:** Birth - 8 Years Old.

**Young People:** 8 – 24 Years old.

This is a ten-year plan that provides a strategic direction for Children, Youth and Families in the Buloke Shire. The plan will underpin the 3-year operational work plans that will be established in conjunction with staff and stakeholders. These work plans will ensure each of the outcomes is achieved and tracked.

Throughout the development of this draft, officers actively sort feedback from the community. Feedback strategies were broken down into four categories.

- **Primary Aged Children (4 - 12)** - Through primary schools, children were invited to draw/write the things they loved the most about where they live.
- **Young People (12 – 25)** – An online Youth Survey was developed in line with the online Mission Australia Survey and promoted through all schools, key stakeholder organisations, through social media and promoted by ‘youth researchers’. Further to this secondary school student leadership groups were invited to participate in focus groups to share their thoughts and ideas.
- **Parents & Caregivers** - The online parent/carer survey was promoted through service providers, community groups, and on social media. Further to this we spoke with Playgroups and Early Learning Centre Parent Advisory Groups.
- **Service Providers** - Service providers were invited to a workshop to hear consultation results and to share their thoughts for what Council should be doing in the Children, Youth & Families space. There was also an online service provider survey circulated broadly and promoted through our networks.

Following the consultation with children, young people, parents, and service providers we have identified four overarching priority areas for the Buloke Shire Council Children, Youth and Family Plan:

- Health and Wellbeing
- Connected Communities
- Learning and Earning
- Engaging Spaces and Places

#### **RELEVANT LAW**

N/A

#### **RELATED COUNCIL DECISIONS**

This is an initiative of the Council Plan 2021-2025 Year 3 Annual Plan which was adopted by Council on 9 August 2023.

#### **OPTIONS**

Council can choose not to endorse the plan to go out for community feedback.

#### **SUSTAINABILITY IMPLICATIONS**

No Sustainability implications

#### **COMMUNITY ENGAGEMENT**

This draft will be circulated throughout the community for feedback in line with Council's Community Engagement Policy before undertaking a review and presented to Council for adoption at Council's February 2024 Meeting.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Combining the Children & Youth Strategy and the Municipal Early Years Plan offers several benefits for the community, these include Continuity of Services, Early Intervention & Prevention, Strengthened Collaboration and Partnership.

**COLLABORATION**

Throughout the consultation process Council staff have consulted widely with the community and a number of different community stakeholders to ensure the draft plan responds to the community's needs.

**FINANCIAL VIABILITY**

This plan contains initiatives that will need to be considered in future Council budgets or investigation of external funding opportunities.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Victoria's Youth Strategy

Victorian Early Years Learning and Development Framework

**COUNCIL PLANS AND POLICIES**

Long-Term Community Vision and Council Plan 2021-2025

Council Plan 2021-2025 Year 3 Annual Plan

Staff Code of Conduct

Councillor Code of Conduct

Inclusiveness Plan

Gender Equality Action Plan.

**TRANSPARENCY OF COUNCIL DECISIONS**

Endorsing this Draft Children, Youth and Families Plan for community consultation allows the community and stakeholders further opportunity to provide feedback to shape the how the Council serve Children, Youth and Families across the Buloke Shire.

**CONFLICTS OF INTEREST**

No officer involved in the preparation of this report has a conflict of interest.

## 8.2.2 S6 - INSTRUMENT OF DELEGATION TO STAFF

**Author's Title:** Director Corporate and Organisation Performance

**Department:** Corporate and Organisational Performance **File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To review and update the Instrument of Delegation from Council to Members of Council Staff to reflect changes to legislation and organisational structure.

### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. This report is in accordance with the *Local Government Act 2020*.

### MOTION:

That Council resolves that in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Members of Council staff:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff (Instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
3. On the coming into force of the Instrument all previous delegations from S6 Instrument of Delegation by Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may adopt.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R182/23)**

**Attachments:** 1 S6 Instrument of Delegation by Council to Members of Council Staff

**DISCUSSION**

Council is conferred with the power to delegate certain powers, duties and functions to Council Staff through legislation, other than the *Local Government Act 2020*. This enables decisions to be made outside of Council Meetings to ensure Council continues to function effectively, and to meet a range of legislative and regulatory responsibilities in a timely manner. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

The legislation referred to in the Instrument does not provide for the ability of the Chief Executive Officer to sub-delegate to Council staff, and therefore requires the Council to delegate to staff directly.

**RELEVANT LAW**

The legislation relating to the powers of Council to delegate are listed in the attached Instrument.

**RELATED COUNCIL DECISIONS**

The Instrument of Delegation to Council Staff was last adopted at the Council Meeting held on 12 August 2020.

**OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation all decisions in relation to the provisions contained in the attached instrument will be required to be made by Council.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

**CONFLICTS OF INTEREST**

I, Michelle Stedman, have no conflicts of interest to disclose in relation to this report.

## 8.2.3 AUDIT AND RISK COMMITTEE MEETING MINUTES 12 SEPTEMBER 2023

**Author's Title:** Director Corporate and Organisation Performance

**Department:** Corporate and Organisational Performance **File No:** FM/02/09

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To provide Council with the confirmed minutes of the Audit and Risk Committee Meeting held on 12 September 2023.

### SUMMARY

The 12 September 2023 Audit and Risk Committee minutes are attached for the information of Council.

### MOTION:

That Council notes the confirmed Minutes of the Audit and Risk Committee meeting held on 12 September 2023.

**MOVED:** CR BERNADETTE HOGAN

**SECONDED:** CR DAVID POLLARD

**CARRIED.**

**(R183/23)**

**Attachments:** 1 Audit and Risk Committee Minutes - 12 September 2023

### DISCUSSION

The Audit and Risk Committee (the Committee) is a statutory committee of Council which considers matters of governance, finance and risk management. The Committee is comprised of three independent members the Mayor and one Councillor. The Committee provides advice on the integrity and effectiveness of Council's financial reporting and risk management system.

At the meeting held, the Committee considered the following matters:

- Outstanding Action Items
- Audit and Risk Committee Work Plan
- Asset Management quarterly update
- Legislative Compliance Register
- Internal Audit Status Report and update
- Draft scope for Governance Internal Audit
- VAGO Interim Management Letter
- Draft External Audit Closing Report
- Draft Financial Statements 2022-23
- Draft Performance Statements 2022-23
- Victorian Auditor-General's Office Status Report – December 2022



- Insurance Summary
- Draft Investment Policy
- Draft Financial Reserves Policy
- Councillor and CEO reimbursements
- Quarterly Investment Report as at 30 June 2023
- Draft Questions for the Audit and Risk Annual Self-Assessment Survey

**RELEVANT LAW**

Council is required under the *Local Government Act 2020* to establish and maintain an Audit and Risk Committee.

**RELATED COUNCIL DECISIONS**

The Committee was established by Council at its meeting held on 12 August 2020. The most recent Audit and Risk Committee Charter was adopted by Council on 9 November 2022.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Committee provides guidance and recommendations that result in improvements to methods and systems of Council.

**COLLABORATION**

Councillors and senior staff are invited to attend, and present as required at Committee meetings. Recommendations from the Committee are communicated to relevant staff members for action.

**FINANCIAL VIABILITY**

The costs associated with the Committee are considered in the Annual Budget.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

The Audit and Risk Committee Charter was adopted by Council on 9 November 2022.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Audit and Risk Committee is considered an essential element of good governance, monitoring Council's financial and performance reporting, monitoring and providing advice on risk management and overseeing internal and external audit functions. The draft minutes are provided to Council to consider the activities undertaken by the Committee.

**CONFLICTS OF INTEREST**

No officer involved in the preparation of this report has a conflict of interest.

## 8.2.4 ACTIVITIES OF BIRCHIP HOUSING COMMUNITY ASSET COMMITTEE

**Author's Title:** Chief Executive Officer

**Department:** Office of the CEO

**File No:**

### PURPOSE

To inform Council of the activities of the Birchip Housing Community Asset Committee (Committee).

### SUMMARY

An annual report to Council in relation to the activities and performance of the Committee is provided to Council in accord with Council's legislative requirements.

### MOTION:

That Council notes the Annual Report of activities and performance of the Birchip Housing Community Asset Committee.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R184/23)**

**Attachments:**

- 1 Birchip Housing Community Asset Committee - AGM Minutes - July 2023
- 2 Birchip Housing Community Asset Committee - AGM Financial Report - July 2023
- 3 C7 Instrument of Delegation - Birchip Housing Community Asset Committee

### DISCUSSION

Council established the Committee under section 65 of the *Local Government Act 2020* (Act) on 12 August 2020. Under the authority of s5 Instrument of Delegation authorised by resolution of Council, the Chief Executive Officer has sub-delegated powers to the Committee in accordance with the attached C7 Instrument of Delegation as made on 25 October 2021.

The Act requires the Chief Executive Officer to submit an annual report to the Council in relation to the activities and performance of all Community Asset Committees. A copy of the Committee's Annual General Meeting minutes is attached for the information of the Council.

### RELEVANT LAW

This report enables the Council to meet its requirements under the Act.

### RELATED COUNCIL DECISIONS

Information in relation to the establishment of the Committee under the Act is set out in the Discussion section of this report.

**OPTIONS**

Not applicable to this report.

**SUSTAINABILITY IMPLICATIONS**

Not applicable to this report.

**COMMUNITY ENGAGEMENT**

Not applicable to this report.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable to this report.

**COLLABORATION**

Not applicable to this report.

**FINANCIAL VIABILITY**

Not applicable to this report.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Not applicable to this report.

**TRANSPARENCY OF COUNCIL DECISIONS**

Information in relation to the Committee performance and activities is considered at a public Meeting of the Council.

**CONFLICTS OF INTEREST**

No Officer has a conflict of interest in relation to the annual report of operations of the Committee.

### **8.3 FINANCIAL REPORTS**

Nil

## 8.4 ORGANISATIONAL REPORTS

### 8.4.1 INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987

**Author's Title:** Director Corporate and Organisation Performance

**Department:** Corporate and Organisational Performance **File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

#### PURPOSE

To appoint Council officers as Authorised Officers for the purposes of the Planning and Environment Act 1987, and to revoke appointment

#### SUMMARY

Under the *Planning and Environment Act 1987* Council is not able to delegate the power to appoint authorised officers. The appointment of Authorised Officers under this act must be by resolution of Council. Where Council has appointed, by resolution, Authorised Officers under any act, can only be varied or revoked by Council resolution.

#### MOTION:

That Council In the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*:

1. Appoints Rodney Hotker and Roslyn Olle as Authorised Officers per the attached instruments of Appointment and Authorisation (the instruments);
2. The instruments come into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it; and
3. Revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 for Wayne O'Toole that was adopted by Council on 12 August 2020.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R185/23)**

**Attachments:**

- 1 S11A-Instrument of Appointment and Authorisation - Rodney Hotker
- 2 S11A-Instrument of Appointment and Authorisation - Roslyn Olle

#### DISCUSSION

Officers involved with the planning functions of Council and enforcement of laws under the *Planning and Environment Act 1987* are required to be appointed as Authorised Officers to undertake the duties of their position.

An individual who is appointed as an Authorised Officer is appointed to a position and has the powers of that position. An authorised Officer can take specific actions under the Acts and regulations made under that Act for which they have been appointed.

Acts change from time to time and the Instruments are reviewed and updated as required to reflect changes in legislation. They are also reviewed to ensure they are still relevant for the Officers who have been appointed to undertake their role in Council.

#### **RELEVANT LAW**

Section 147(4) of the *Planning and Environment Act 1987* provides that an Authorised Officer is to be appointed by Council. Council is unable to delegate the power of appointment under the *Planning and Environment Act 1987*.

#### **RELATED COUNCIL DECISIONS**

Council has previously appointed Rodney Hotker, Roslyn Olle and Wayne O'Toole as Authorised Officers under the *Planning and Environment Act 1987* at its ordinary meeting held on 12 August 2020. At the same meeting, Council revoked the Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* appointing Anthony Judd as an authorised officer.

#### **OPTIONS**

Council may consider not adopting the new instruments of appointments under the Planning and Environment Act 1987, in which case the instruments adopted on 12 August 2020 will remain in force, unless Council resolves to revoke them.

By adopting the new instruments, the officers appointed, will be able to make planning decisions and enforce the requirements under the *Planning and Environment Act 1987*, and to remove any legal uncertainty that may occur resulting from amendments to the *Planning and Environment Act 1987*, that have been made subsequent to the 12 August 2020.

If Council does not revoke the instrument adopted on 12 August 2020 appointing Wayne O'Toole as an Authorised Officer under the Planning and Environment Act, the Instrument will remain in force.

#### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications

#### **COMMUNITY ENGAGEMENT**

Community engagement is not required on this matter

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Reviewing and updating Instruments of Appointment and Authorisation, ensures that the appointments made are still required, and ensures that any changes made to relevant Acts are encompassed within the appointment, ensuring Appointed Officers can undertake their duties as required.

#### **COLLABORATION**

Relevant directors and offices were consulted during the review of the Instruments of Appointment and Authorisation.

#### **FINANCIAL VIABILITY**

Not Applicable

#### **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable

**COUNCIL PLANS AND POLICIES**

Not Applicable

**TRANSPARENCY OF COUNCIL DECISIONS**

A register of Authorised Officers and the Acts to which they are appointed is maintained, and is made available for public inspection, or where required, published on Council's website.

Decisions made by Authorised Officers under the are decisions made by the Officers, and are made in accordance with the *Planning and Environment Act 1987* and the Buloke Shire Planning Scheme. Where practicable and required under the *Planning and Environment Act 1987*, decisions are made available for inspection by the public, or in accordance with the Act.

**CONFLICTS OF INTEREST**

No officer involved in preparing this report has a conflict of interest.

## **8.5 REPORTS FROM COUNCILLORS**

### **Mayor's Month**

Weekly Meetings with CEO, Wayne O'Toole

Monthly Briefings

Council Meeting

Wimmera Southern Mallee Development Group Meeting & AGM

Transmission Lines Shire Meeting

Community Reference Group Meeting

ABC interview Horsham Shire Issues

Advance Sea Lake General Meeting

Advance Sea Lake Christmas Street Party

Flow FM Charlton Early Years Day-care, Charlton Post Office Fire

Cross Border Economic & Work Force Forum

Donald High School Awards Night

CEO Employment Review

Photo Campaign Roads

Audit & Risk Committee

TCV Loss of Production Meeting

Aged Care Staff Recognition Lunch

National Disaster Awards Perth

Loddon Mallee Campaspe Mayors & CEO Meeting

Cr Alan Getley

**Mayor**



**9. OTHER BUSINESS**

**9.1 NOTICES OF MOTION**

Nil

## **9.2 QUESTIONS FROM COUNCILLORS**

### **9.2.1 HEALTH INSPECTION – WATCHEM SHOP - CR MILNE**

BACKGROUND AND QUESTION: Cr Milne referred to a new owner taking over the shop in Watchem, and has advised the previous owner has removed the cooking and kitchen facilities from the shop.

Cr Milne advised the new owner of that shop has taken over the lease of this shop, which now does not have any cooking or kitchen facilities.

The new owner would like an inspection from Council Staff to seek advice on the necessary process and compliance requirements with the reinstatement of such facilities in preparation for the shop to be operational.

RESPONSE PROVIDED BY THE CHIEF EXECUTIVE OFFICER – Question taken on notice.

### **9.2.2 AUDIT AND RISK COMMITTEE – CR WARREN**

QUESTION: Cr Warren noted that at the 12th September 2023 Audit and Risk Committee meeting it was noted two members were due for reappointment. Cr Warren asked in regards to the 'Circulated Motion' sent on 1st December 2023, when did officers realise they were in breach of the Local Government Act by not having an Audit and Risk Committee because they did not have two duly appointed independent members? When did it become obvious to staff that they had not been reappointed?

RESPONSE PROVIDED BY THE CHIEF EXECUTIVE OFFICER – Question to be taken on notice.

QUESTION: Cr Warren further noted that the Audit and Risk Committee is mandated by the Local Government Act and that being in breach of the Local Government Act is a serious matter. Cr Warren asked if Council has looked into self-reporting of this matter?

RESPONSE PROVIDED BY THE CHIEF EXECUTIVE OFFICER – Question to be taken on notice.

QUESTION: Cr Warren asked, in regards to the 'Circulated Motion', did Council receive independent advice from a solicitor about the action that they took?

RESPONSE PROVIDED BY THE CHIEF EXECUTIVE OFFICER – Question to be taken on notice.

### **9.2.3 COUNCIL DELEGATIONS – COUNCILLOR STEWART – LEAVE OF ABSENCE**

BACKGROUND AND QUESTION: Cr Pollard referred to the Council Delegate list that was adopted at the Statutory Meeting 9 November 2023, and asked why Cr Stewart was not reappointed as a Councillor Delegate for organisations that Cr Stewart was previously representing Council on, and have a proxy nominated for this organisation if required.

Cr Pollard made reference to his own circumstance whereby he was reappointed to organisations he had previously been an appointed Council delegate for, that he was again nominated as the delegate for those organisations, with a proxy being appointed if required.

ANSWER PROVIDED BY THE MAYOR AND CR MILNE – The Mayor and Cr Milne both indicated that Cr Pollard had indicated he will be returning to the Council after his leave of absence and expressed an interest to be reappointed as a Council delegate for these organisations. Cr Milne also noted that there was no intention to exclude Cr Stewart but rather give her time to return from long term leave of absence. It was also noted that upon Cr Stewart's return to Council duties, the list of delegates can be revisited at that time.

**9.3 URGENT BUSINESS**

Nil

**9.4 ANY OTHER BUSINESS**

## 9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

### MOTION:

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain confidential information on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

- |       |  |  |
|-------|--|--|
| 9.5.1 | AWARD CONTRACT NO. C121 2023/24<br>AGRN 1037 – REHABILITATION OF TWO<br>(2) FLOODWAYS ON YEUNGROON ROAD                        | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage<br><br>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)   |
| 9.5.2 | AWARD CONTRACT NO. C122 2023/24<br>DESIGN & CONSTRUCT CHANGING<br>PLACES AMENITIES BLOCK & CAR PARK<br>AT DONALD MEMORIAL PARK | (g(i)) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets<br><br>(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage<br><br>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) |
| 9.5.3 | AWARD CONTRACT NO. C120 2022/23<br>BIRCHIP FOOTBALL OVAL LIGHTING<br>UPGRADE   | (g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage<br><br>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)   |

**MOVED: CR GRAEME MILNE**

**SECONDED: CR BRONWYN SIMPSON**

**CARRIED.  
(R186/23)**

**MOTION:**

That Council reopens the meeting to the public pursuant to section 66(1) and (2)(a) of the Local Government Act 2020.

**MOVED: CR DARYL WARREN**

**SECONDED: CR BERNADETTE HOGAN**

**CARRIED.  
(R190/23)**

**10. MEETING CLOSE**

Meeting closed at 8.23pm.