



# **COUNCIL MEETING**

## **MINUTES**

**Wednesday 8 December 2021**

**Commencing at 7:00pm**

**Wycheproof Supper Room**

**367 Broadway, Wycheproof**

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



**MOTION:**

That Council adopt the Minutes of the Statutory Meeting held on Wednesday, 10 November 2021 and Council adopt the Minutes of the Council Meeting and its Confidential Meeting held on Wednesday, 10 November 2021.

**MOVED: CR ALAN GETLEY**

**SECONDED: CR BRONWYN SIMPSON**

**CARRIED.**

**(R1053/21)**

**4. REQUESTS FOR LEAVE OF ABSENCE**

The Mayor Cr Warren, tabled on behalf of Cr David Vis the following "Request for Leave of Absence".

Dear Mr Mayor, due the way I was treated in Council last week by a Councillor and due to the fact that I have asked for arbitration to commence I herewith request a leave of absence until Council reconvenes in February 2022.

**MOTION:**

Council to approve Cr Vis's request for leave of absence.

**MOVED: CR CAROLYN STEWART**

**SECONDED: CR DAVID POLLARD**

**CARRIED.**

**(R1054/21)**

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

Cr Getley declared a Conflict of Interest in Item 8.6.2 due to acting as Real Estate Agent for the private sale of a property listed and providing Real Estate advice for a second property.

Cr Warren declared a direct Conflict of Interest in Item 8.2.4 due to his membership, and being the author for the application for Donald 2000, a recipient for the Community Grants and Sponsorship Program noted in the report for a Sustainability Grant.

**6. QUESTIONS FROM THE PUBLIC**

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NIL

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NIL

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The Meeting may be closed to members of the public to consider confidential matters.

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If the meeting has been closed it will be brought back into open session by resolution

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NIL

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NIL

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NIL

**10. MEETING CLOSE****NEXT MEETING**

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 9 FEBRUARY 2022 AT 7:00PM.

**Wayne O'Toole**  
**INTERIM CHIEF EXECUTIVE OFFICER**

## **6. QUESTIONS FROM THE PUBLIC**

### **6.1 LISA FRASER – HEALTH AND WELLBEING ACT 2008 – PUBLIC SERVICE ACCESS FOR VACCINE FREE RESIDENTS**

Questions from Lisa Fraser

#### **Statement**

The Buloke Shire Council acknowledges that its Health and wellbeing challenge is providing support to vulnerable people.

**Q1. In accordance with Sections 4(8), 4(9) and 4 (10) of the Health and Wellbeing Act 2008 (Vic), can Council provide a reasonable and proportionate explanation for why the vulnerable vaccine free residents are being denied public services?**

**Council Answer:** Council is required to conduct its operations and services in accordance with the advice directed from the Chief Health Officer (CHO) and the Victorian State Government.

Throughout the pandemic, Council has had a critical role to endeavour to maintain a safe and healthy environment for its communities, by communicating and acting upon, all relevant information and advice received from the CHO and Victorian Government, in a professional and accurate manner.

Members of the community who choose not to be vaccinated or don't seek or are not qualified for a medical exemption make up below 5% of the Buloke population. Council can facilitate contact with other relevant State Government Agencies who can assist these community members who are finding it hard to find other ways to receive services whilst these COVIDSafe measures remain in place.

This is a fair, reasonable and proportionate approach to take in respect to the Health and Wellbeing Act.

### **6.2 LISA FRASER – SEEKING EVIDENCE FROM COUNCIL THAT DENYING 5% OF SHIRE POPULATION SIGNIFICANTLY DECREASES RISK OF COVID - 19**

**Q2. Could Council please provide evidence that denying the 5% of the Shire population who choose to be vaccine free, significantly decreases the risk of Covid 19?**

Council is not in a position to provide these assurances to you. If you have further queries on this matter, this is best to be directed to the State Government. Council can assist in providing these details.

### **6.3 B CLARKE – COUNCIL PLANS TO ASSIST SCHOOL KIDS WITH PURCHASE OF UNIFORMS AND OTHER SUPPLIES WHEN THEY OR PARENTS ARE VACCINE FREE**

Question from B Clarke

**Q.1 What plans does council have to assist school kids with buying school uniforms, shoes and supplies where they and or their parents are vaccine free and therefore cannot enter clothing, shoe, stationary & book supply stores.**

**Council Answer:** Council is not the lead agency in making decisions around the COVID-19 pandemic. For parents of children requiring supplies from businesses outside those deemed essential for school, they have a range of options available to them. Working directly with the school or seeking assistance from friends and family who are vaccinated to online shopping solutions or dealing directly with individual businesses that have become quite excellent at operating in this ever-changing environment.

## **6.4 B CLARKE – COUNCIL PLANS FOR PROVISION OF EXTRA RUBBISH BINS FOR SAFE DISPOSAL OF RUBBISH TO THOSE WHO CHOSE NOT TO DISCLOSE THEIR MEDICAL STATUS**

**Q.2 I'd like to ask council if there are plans to provide extra rubbish bins to those who chose not to disclose their medical status so that they can discard their rubbish safely.**

I am concerned about fire hazards & snakes in yards with debris and rubbish build up during summer with council banning people from using the tip.

**Council Answer:** There are no such plans to provide extra bins at no cost to those people who are not vaccinated or not holding a relevant medical exemption. Alternatively, you can arrange for the purchase of additional bins. Whilst we understand and hear your concerns around safety during the fire season, genuine attempts to clear land and remove debris can be solved by leaning on family and friends who are vaccinated or employing local contractors to undertake some or all the required work.

### **Referred parts of the Health and Wellbeing Act**

#### **8 Principle of accountability**

(1) Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.

(2) Members of the public should therefore be given—

(a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and

(b) opportunities to participate in policy and program development.

#### **9 Principle of proportionality**

Decisions made and actions taken in the administration of this Act—

(a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and

(b) should not be made or taken in an arbitrary manner.

#### **10 Principle of collaboration**

Public health and wellbeing, in Victoria and at a national and international level, can be enhanced through collaboration between all levels of Government and industry, business, communities and individuals.

### **Cr Milne foreshadowed a letter for Item 7.3**

Cr Milne noted he would like to send a letter to State Member or Members of Parliament to give Council a better understanding of how Council can work with people who decide to be unvaccinated, or for medical reasons can't be vaccinated.

Cr Milne advised the reason being is so Council does not create a real separation in our communities and or any more economic hurt for our businesses who would like to be able to work with these people, but are unable to, under the current rules.

**6.5 SHERRILL O’CONNOR – MT WYCHEPROOF – PROTECTION OF EMUS IN SUMMER AND COUNCIL PLANS FOR REPAIR OF EMU FENCE**

**Q.1 What does Council propose to do to look after and protect the emus during the summer? They require food and a water source. What is Council proposing to do regarding repair of the emu fence?**

Question has been taken on notice by the Interim, Chief Executive Officer, Wayne O’Toole.

**6.6 SHERRILL O’CONNOR – LAKE TYRRELL – MURREY ALLEN PLAN – CONSERVATION MANAGEMENT PLAN – COUNCIL PLAN AND INTEGRITY OF LAKE TYRRELL**

**Q.1 Why was the Murrey Allen Plan for installation of self-contained cabins not included in the Conservation Management Plan? What does Council plan for the protection and integrity of Lake Tyrrell in these circumstances?**

Question has been taken on notice by the Interim, Chief Executive Officer, Wayne O’Toole.

## 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 on 3 and 17 November 2021.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R1055/21)**

**Attachments:** 1 Councillor Briefing Record - 3 November 2021  
2 Councillor Briefing Record - 17 November 2021

#### 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 Schedule adopted 10 November 2021, 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 3 and 17 November 2021 is attached for public information.

## 7.2 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 particular 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 GRAEME MILNE

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**  
**(R1056/21)**

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Donald Racing Club	Shane Wall Donald	November 2021	Retiring after 40 years as the Honorary Race Starter at the Donald Racing Club
Australian Securities Industry Awards 2021	Tony Keane Manager of AFL's Integrity and Security Department  (former resident of Wycheproof)	November 2021	For being awarded in the category of "Outstanding Security Performance" in the Australian Securities Industry Awards 2021, the Outstanding In-House Security Manager/Director Award recipient.

**MOTION:**

Council to suspend its standing orders at 7.15pm to allow for the tabling of a Questions from the Public from Sherrill O'Connor.

**MOVED: CR DAVID POLLARD**

**SECONDED: CR GRAEME MILNE**

**CARRIED.  
(R1057/21)**

**Questions from Sherrill O'Connor are noted in Item 6.5 and 6.6 in Questions from the Public.**

**MOTION:**

Council to resume its standing orders at 7.18pm.

**MOVED: CR ALAN GETLEY**

**SECONDED: CR GRAEME MILNE**

**CARRIED.  
(R1058/21)**

### 7.3 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 GRAEME MILNE

**SECONDED:** CR ALAN GETLEY

**CARRIED.**  
**(R1059/21)**

**Attachments:** Nil

**TABLE OF CORRESPONDENCE**

Council Initiative	Correspondence sent to/to be sent to	Date sent	Date of Response	Summary of Response/Purpose of Letter
	Local Federal Member and State Members of Parliament			Expressing concern for people who are sitting outside the legal status of vaccination currently in place, believing rules and regulations is creating hardships for our communities and families, and there are a number of people who like it to be reviewed or overturned. Causing segregation and mixture of community attitudes and spirit and of all things a level of mental health that we do not need in this day and age. Urging for a review. Also to encourage our communities to find ways to work with these people rather than segregate against them. Eg. Footpath trading, online shopping Make a valid attempt to make these people feel welcome rather than discriminate.

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

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

**Department:** Works and Technical Services

**File No:** DB/14/01

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 November 2021 to 30 November 2021.

#### MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 November 2021 to 30 November 2021.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR ALAN GETLEY

**CARRIED.**  
**(R1060/21)**

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Date Approved
20210128	4379376196439	15 Campbell Street, Birchip	Demolition of Dwelling & Carport	04/11/2021
20210129	9703320526761	23 George Street, Sea Lake	Dwelling	04/11/2021
20210130	6261504468235	22 Camp Street, Donald (Johnson Goodwin Memorial Homes)	Independent Living Unit (Unit #23)	04/11/2021
20210131	5670546904671	23 George Street, Sea Lake	Garage/Storage Shed	11/11/2021
20210132	9164838124366	347 Barbers Road, Karyrie	Duck Shed	11/11/2021
20210133	9327616791513	Donald-Swan Hill Road, Corack East (Corack Public Hall)	Amenities Block	25/11/2021
20210134	8430929981564	462 Broadway, Wycheproof (Wycheproof Caravan Park)	Camp Kitchen	25/11/2021

**LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR**

<b>Permit No.</b>	<b>Address</b>	<b>Project Description</b>	<b>Date Approved</b>
NIL			

## 7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**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 DAVID POLLARD

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**  
**(R1061/21)**

**Attachments:** Nil

### LIST OF PLANNING APPLICATIONS

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA936/21		Calder Highway, Woosang (Lot 5 PS 896969)	26/07/2021	Two lot subdivision of land (boundary realignment) and use and development of land for a single dwelling	Referral
PPA945/21		5 Woods Street, Donald (Lot 1, 2 & 3 PS 895619)	03/09/2021	Use and development of land for a service station, construct and display a business identification sign and alter access to a Road Zone, Category 1	Awaiting report
PPA946/21		95 Railway Avenue, Sea Lake (Lot 2 PS 408935)	03/09/2021	Use and development of land for a service station, construct and display a business identification sign and alter access to a Road Zone, Category 1	Awaiting report

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA947/21		80 Horace Street, Sea Lake (Lot 1 PS 885043)	10/09/2021	Construct and display a major promotion sign	Awaiting report
PPA950/21		Mildura Way, Charlton (CA 17 Sec. A Parish of Charlton West)	17/09/2021	Construction of undercover stabling and pavilion area	Permit issued
PPA953/21		Back St Arnaud Road, Charlton (CA 2004 Parish of Charlton East)	12/10/2021	Construction of a training shed	Permit issued
PPA954/21		92 Best Street, Sea Lake (Lot 1 PS 227425)	12/10/2021	Construction of a verandah	Permit issued
PPA955/21		645 Fawcetts Road, Wycheproof (CA 14 & 14A Parish of Bungaluke)	12/10/2021	Three-lot subdivision of land (boundary realignment and rural dwelling excision)	Awaiting report
PPA956/21		22 Racecourse Road, Donald (Lot 7 PS 705962)	13/10/2021	Construction of a machinery storage shed associated with an existing food production facility	Awaiting report
PPA957/21		25 Napier Street, Donald (Lot 23, 24 & 25 LP 8761)	13/10/2021	Construction of a shed for machinery and equipment storage	Awaiting report
PPA958/21		Borong Highway, Gil Gil (CA 2 Sec. 5 Parish of Banyenong)	19/10/2021	Amendment to PPA765/18A, to increase patron capacity from 6000 to 7000 and extend the permit by one year	Awaiting report
PPA959/21		32 Sherwood Street, Birchip (Lot 1 & 2 PS441413)	28/10/2021	Two-lot subdivision of land (boundary realignment)	Notice of application
PPA960/21		42 Racecourse Road, Donald (CP 360753)	08/11/2021	Extension of a shed	Permit issued
PPA961/21		36-40 Aitken Avenue, Donald (Lot 1 PS 534292)	10/11/2021	Construction of a machinery shed	Permit issued
PPA962/21		39 Corack Road, Donald (Lot 1 & 2 PS216306)	11/11/2021	Use and development of land for a service station, construct and display a business identification sign and create or alter access to Road Zone, Category 1	Notice of application Referral

<b>Application No</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
PPA963/21		469 Borung-Charlton Road, Barrakee (CA 19 Sec. B Parish of Charlton)	18/11/2021	Construction of a machinery shed	Referral

**8. GENERAL BUSINESS**  
**8.1 POLICY REPORTS**  
**8.1.1 FLAG FLYING POLICY**

**Author's Title:** Director Community Development

**Department:** Community Development

**File No:** CS/05/01

**Relevance to Council Plan 2021 - 2025**

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

**PURPOSE**

The purpose of this report is for Council to adopt the revised Flag Flying Policy.

**SUMMARY**

Buloke Shire Council has three illuminated flag poles located at its Wycheproof Office as well as flag poles located at other sites across the Shire. Council also displays flags inside Council Chambers and meeting places.

This policy relates to the flying of flags at Council's offices, other buildings and flag poles that may be built at Council locations in the future.

**MOTION:**

That Council:

1. Adopts the Flag Flying Policy; and
2. Places the policy on Council's website and informs the community about the policy.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R1062/21)**

**Attachments:** 1 Flag Flying Policy

**DISCUSSION**

Council erected three new flag poles at its Wycheproof Offices in July of 2018. At the time Councillors sought the compilation of a Flag Flying Policy to give them greater clarity in the use of the flag poles to help guide them in decisions around granting access to the flag poles as well as guidelines for staff on the correct procedures for handling and flying flags.

The revised policy also captures the flags flown at indoor Council Meetings spaces, flag poles that may be erected in the future as part of Council projects and appropriately recognising former Councillors and their contributions.

**RELEVANT LAW**

Not applicable.

**RELATED COUNCIL DECISIONS**

The Flag Flying Policy was adopted in December 2018. This is the first time the policy has been revised.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Council has not actively engaged in this revision of an operational policy. Significant engagement on the availability of Council's third flag pole will take place after adoption.

**COLLABORATION**

Collaboration between the policy author and the Senior Leadership Team was undertaken.

**FINANCIAL VIABILITY**

The costs of producing purchasing flags are contained in the existing operational budget and the Federal Member for Mallee makes available one Australian Flag, one Aboriginal Flag and one Torres Strait Island Flag to Council each year.

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

Australian National Flag Protocols

**COUNCIL PLANS AND POLICIES**

Council Plan 2021-2025

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICTS OF INTEREST**

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

## 8.1.2 PROCUREMENT POLICY

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** CM/14/27

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

This report recommends the adoption of the Procurement Policy (Policy) in compliance with the *Local Government Act 2020* (the Act).

### SUMMARY

The Act requires each council to prepare and adopt a Policy which specifies the principles, processes and procedures which will apply in respect of the purchase of goods, services and carrying out of works by the Council. The Policy must seek to promote open and fair competition and value for money.

### Council Questions

Cr Milne referred to Page 28 of the document, in the last paragraph.

*Council may, where it is reasonably practicable to do so, include a local content weighting of up to 10% within a request for quotation or tender evaluation criteria for projects above \$30,001 in support of the Buy Local Content principle in this policy.*

Cr Milne was seeking clarification under the Buy Local Content, is it reasonably practical for projects of above \$30,001 to be in support of the Buy Local Content principle. Cr. Milne's query related to why a buy-local percentage component for above that amount of money and not below.

Director Corporate Services - The inclusion of that amount is reflective of when a formal request for quotations is obtained. Requirements for procurement under that amount may vary in terms of number of quotations received and manner by which they may be received.

Cr Milne further enquired is 10 percent a standard and do we know of any other Councils that have a higher weighting.

Director Corporate Services advised that she was happy to take the Question on Notice, but there is no standard or reflection on the content of the best practice methodology and the 10 % was reflective of a previous Council Decision for inclusion of Buy Local content.

Cr Milne responded question answered thank you.

Cr Pollard – Has this Policy been past the Audit Committee. Is this policy to be in place for four years?

The Director Corporate Services responded to advise that this policy has been considered by the Audit Committee at the December Audit Committee Meeting, and they were happy to endorse it for Council consideration.

**MOTION:**

That Council adopt the Procurement Policy for a period of 4 years.

**Moved:** CR CAROLYN STEWART

**Seconded:** CR DAVID POLLARD

**CARRIED.**  
**(R1063/21)**

**Attachments:** 1 Procurement Policy

**DISCUSSION**

Council is required to prepare and adopt a Policy which complies with the provisions of the Act prior to 1 January 2022.

Council's Procurement Policy seeks to enhance the achievement of the Council's objectives (including sustainable and socially responsible procurement). The Policy is designed to ensure the elements of best practice procurement are considered in the acquisition of all goods, services and works, including but not limited to:

- Value for money
- Open and fair competition
- Accountability, probity and transparency
- Risk management
- Sustainable and social procurement objectives.

The Policy sets out a contract value of \$250,000 (exc. GST) above which Council must invite a tender, the criteria which will be used to evaluate value for money, the process for collaboration with other councils and public bodies and the process to be undertaken in inviting a public tender.

**RELEVANT LAW**

The Policy complies with sections 108 and 109 of the Act.

**RELATED COUNCIL DECISIONS**

The Delegation of Council to the Chief Executive Officer has set a financial delegation of \$250,000 (exc. GST).

**OPTIONS**

The Council may amend Policy provisions at any period during its term, provided it does not breach the requirements under the Act.

**SUSTAINABILITY IMPLICATIONS**

The Policy outlines the measures the Council will take in reducing its' environmental impacts and confirms the Council's commitment to considering the long-term and cumulative effects of procurement activities and decisions.

**COMMUNITY ENGAGEMENT**

There is no requirement for the Council to undertake community engagement in respect to development or adoption of the Policy. Council's Community Engagement policy gives the community

opportunities to contribute and inform project outcomes which may relate to procurement activities, for example major capital works.

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

The Policy framework will assist the Council to achieve value for money and continuous improvement in the provision of services.

#### **COLLABORATION**

Council may collaborate with other councils or use other agents (such as MAV Procurement or Procurement Australasia) to procure goods, services and works or utilise existing collaborative procurement arrangements for the procurement of goods, services or works established through a public tender process where it provides an advantageous value for money outcome for Council.

#### **FINANCIAL VIABILITY**

The Policy requires staff to consider the advancement of Council priorities including taking whole of life and transactional cost factors in procurement into consideration and provides a framework for achieving value for money (amongst other obligations).

The availability of existing funds within an approved budget, or source of funds, must be established prior to the commencement of any procurement action for the supply of goods, services or works.

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

Not applicable.

#### **COUNCIL PLANS AND POLICIES**

Not applicable.

#### **TRANSPARENCY OF COUNCIL DECISIONS**

Council has established a procurement responsibility framework and delegations to ensure accountability, traceability and auditability of all procurement decisions made over the lifecycle of goods, services or works.

#### **CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to declare in relation to the preparation of this Report or the Procurement policy.

## **8.2 MANAGEMENT REPORTS**

### **8.2.1 APPLICATION FOR PERMIT TO KEEP EXCESS ANIMALS AT 46 - 56 CALDER HIGHWAY BERRIWILLOCK**

**Author's Title:** Compliance Team Leader

**Department:** Works and Technical Services

**File No:** LA/08/06

#### **PURPOSE**

The purpose of this report is for Council to consider the application and make an informed determination.

#### **SUMMARY**

Council has received a Local Laws application for a permit to allow the keeping of excess number of animals as listed below at 46 – 56 Calder Highway Berriwillock.

- 4 Dogs
- 10 Cats
- 50 ducks
- 9 Chickens
- 2 Roosters
- 50 Parrots
- 9 Guinea Fowl

#### **Council Questions**

Cr Getley asked if the applicant is registered as a not-for-profit organisation and is trying to establish a refuge which is not a residential block and borders on open country, Council should try to work with the applicant to get the appropriate standard of enclosures there. Cr Getley felt a blanket rejection is not the way to go and not in the community's best interest to do that, in my opinion.

Cr Getley advised he will be looking to move an alternative motion along those lines.

Cr Pollard noted the Mayor should have called a "Point of Order" as there was not a Seconder for the Motion, therefore Council was not in a position to start a debate.

Cr Milne enquired what is the known distance from the nearest inhabitant to the applicant's property.

The Interim Chief Executive Officer noted he was not aware of this matter, and the Acting Director Works and Technical Services advised this question could be taken on notice.

Cr Simpson enquired given it has been indicated they would like a not-for-profit and refuge status, has this person put into process any of that line of applications?

Acting DWTS responded to advise the applicants are registered as a not-for-profit rehabilitation area for animal rescue, and the animals were requested to be registered and they have since been registered.

**Cr Getley has foreshadowed the following amended motion.**

Council to assist the applicant to help her establish proper housing and proper guidelines with the rescue business and the not-for-profit that she is doing to assist her going forward.

**Cr Simpson asked that Council assistance be provided without financial obligation be added to Cr Getley's alternative motion.**

**AMENDED ALTERNATE MOTION TO READ:**

That the applicant be granted the permit subject to the animals being provided suitable housing and amenities and Council work with the applicant to establish her not for profit animal rescue facility, at no cost to Council.

**Cr Stewart requested that a timeframe be placed in the permit to ensure the animals are housed suitably within that timeframe.**

**FURTHER AMENDED ALTERNATE MOTION:**

The applicant be granted a permit, subject to her providing suitable housing and amenities within 120 days and Council work with her to establish her not-for-profit and rescue facility, at no cost to Council.

**RECOMMENDATION:**

That Council refuses the application for a permit under Council's Community Local Law 2019 Clause 42(1) to keep animals that are excess in number as per the Table as listed in 42(1) of Council's Community Local Law 2019 at the address of 46 – 56 Calder Highway Berriwillock.

**Cr Getley has foreshadowed the following amended motion.**

Council to assist the applicant to help her establish proper housing and proper guidelines with the rescue business and the not-for-profit that she is doing to assist her going forward.

*Cr Simpson asked that Cr Getley's alternate motion be amended to reflect that Council assistance be provided without financial obligation.*

**Alternative Amended Motion Put:**

That the applicant be granted the permit subject to the animals being provided suitable housing and amenities and Council work with the applicant to establish her not for profit animal rescue facility, at no cost to Council.

**MOVED: CR ALAN GETLEY**

**SECONDED: CR BRONWYN SIMPSON**

**AGAINST – ONE**

**IN FAVOUR – THREE**

**MAYOR DID NOT CALL CARRIED.**

**MAYOR CALLED A PAUSE DUE TO THE ABSENCE OF CR STEWART FROM TECHNICALITY ISSUES AT 7.44PM**

**CR STEWART RETURN ON LINE AT 7.44PM.**

*Cr Stewart requested that a timeframe be placed in the permit to ensure the animals are housed suitably within that timeframe.*

**ALTERNATE MOTION AGAIN AMENDED WAS TABLED:**

That the applicant be granted the permit subject to the animals being provided suitable housing and amenities within 120 days and that Council work with the applicant to establish her not for profit animal rescue facility, at no cost to Council.

**MOVED: CR ALAN GETLEY**

**SECONDED: CR BRONWYN SIMPSON**

**ALTERNATE MOTION WAS PUT:**

That the applicant be granted the permit subject to the animals being provided suitable housing and amenities within 120 days and that Council work with the applicant to establish her not for profit animal rescue facility, at no cost to Council.

**CARRIED.**  
**(R1064/21)**

- Attachments:**
- 1 Application - Excess animals 45-56 Calder hwy Berriwillock -  
**Confidential**
  - 2 Objection - Excess animals 45 -56 Calder hwy Berriwillock -  
**Confidential**

**DISCUSSION**

Council's Community Local Law 2019 prohibits the keeping of more than:

- 2 dogs
- 2 cats
- 0 Large birds
- 6 poultry
- 0 roosters

without a Local Law permit within the confines of a township.

Surrounding landowners and residents were requested in writing to consider the application and submit any objections to Council by the 20 August 2021. Council has received 1 objection from landowner/resident who state that they are concerned regarding the application to keep excess animals in the area (refer attachment).

On the 23 March 2021 an inspection of the property by Council's Rangers and Planning Officer revealed that the applicant was keeping an excessive number of animals in conditions that were contrary to Clause 42. *Keeping animals* and Clause 43. *Animal accommodation* of Council's Community Local Law 2019, the inspection also revealed that there was 4 unregistered dogs and 10 cats being kept on the property including illegal building work in respect to aviaries and fencing around the property.

During the inspection of the property the applicant stated that they were intending to operate an Australian Charities and Not-for-Profits Commission (ACNC), Registered Not For Profit Voluntary Poultry And Small Livestock Rescue. The applicant was advised to Register all animals and apply for a permit within 14 days.

Consideration should be given regarding the purpose and process of animal rescue sanctuary, the ordinary aim of an animal rescue sanctuary is to rescue, rehabilitate or rehome it appears that the number of animals at the applicant's address remains static or increases.

**RELEVANT LAW**

Community Local Law Clause 42 "Keeping of Animals".

**RELATED COUNCIL DECISIONS**

Not Applicable.

**OPTIONS**

An alternative motion is available to Council if it so determines.

**SUSTAINABILITY IMPLICATIONS**

Not Applicable.

**COMMUNITY ENGAGEMENT**

Following normal Local Laws procedures, Council has undertaken a notification process and advertising of the application that involved Seven (7) neighbouring properties that may, or could be, affected by the activity.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable.

**COLLABORATION**

Not Applicable.

**FINANCIAL VIABILITY**

There are no financial implications in this report.

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

Not Applicable

**COUNCIL PLANS AND POLICIES**

Not Applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

In order to promote transparency Council will consider this report and the associated resolution in an open meeting of Council.

**CONFLICTS OF INTEREST**

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

## 8.2.2 DOMESTIC ANIMAL MANAGEMENT PLAN 2022 - 2025

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** EM/01/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

### PURPOSE

The purpose of this agenda item is for Council to adopt the Domestic Animal Management Plan 2022 - 2025

### SUMMARY

Council is required to have a four-year Domestic Animal Management Plan (DAMP) under the Domestic Animal Act 1994. The DAMP guides Council's activities in the management of cats and dogs. A draft DAMP was developed following a review of the current DAMP and, after community consultation, a DAMP has been finalised for adoption by Council.

### Council Questions

Cr Warren sought confirmation if there has been any residents respond to the invitation for comments and/or submissions from the public.

The Acting Works and Technical Services responded to advise that there has been no submissions or comments received from the public.

### MOTION:

That Council resolve to adopt the Domestic Animal Management Plan 2022 – 2025.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R1065/21)**

**Attachments:** 1 Domestic Animal Management Plan

### DISCUSSION

The DAMP has been prepared with updated data and the community has been provided an opportunity to provide comments or submissions during September 2021. Two submissions were received by Council. Both were generic submissions, one received from the Animal Justice Party and one received from the Eastern Domestic Violence Service (EDVOS). No submissions were received from residents of the Municipality.

The format and sequence of the DAMP are set by the Department of Jobs, Precincts and Regions.

Council must have a DAMP to satisfy the clauses set out in Part 5A of the Act to consider the following:

- A method for evaluating whether the animal control services are adequate;
- Consider programs for training Authorised Officers so as to properly administer and enforce the Act
- Outline programs to:
  - Promote and encourage responsible pet ownership;
  - Provide information to the community to assist in the understanding of the obligations of responsible pet ownership;
  - Minimise risk of dog attacks;
  - Address any over-population and high euthanasia rates for dogs and cats;
  - Encourage registration and identification of dogs and cats;
  - Minimise potential for dogs and cats to create a nuisance; and
  - Effectively identify and manage dangerous dogs, menacing dogs and restricted breed dogs
- Periodic evaluation of the DAMP.

Key actions contained in the DAMP include a focus on animal registration and improved management of stray and feral cats.

#### **RELEVANT LAW**

The Domestic Animal Management Plan 2021-2025 (DAMP) was developed in accordance with the requirements of the *Domestic Animals Act 1994 (Act)*.

#### **RELATED COUNCIL DECISIONS**

Council resolved to endorse the Draft DAMP to be made available for community consultation at the 8<sup>th</sup> September 2021 Council meeting. (R1018/21)

#### **OPTIONS**

Council is required by the Domestic Animals Act 1994 to have a Domestic Animal Management Plan. Other options that may be considered would be to apply for an extension of time within which to prepare the required plan.

#### **SUSTAINABILITY IMPLICATIONS**

The preparation of the DAMP in itself has no sustainability implications. The policies and actions in the DAMP contribute to community safety and well-being. The management of feral and stray animals contributes to environmental protection and sustainability.

#### **COMMUNITY ENGAGEMENT**

The Draft DAMP was made available for community consultation from the 9<sup>th</sup> September 2021 to 7<sup>th</sup> October 2021. The draft DAMP was available to view on Council's webpage. The community was made aware of the opportunity to provide a submission by advertising in Council's community update in the locally circulating newspapers and by posting on social media.

Two submissions were received, one outside of the closing date for submissions. No submissions were received from residents of the Municipality. Both submissions received were generic submissions.

One submission was received from the Animal Justice Party. The submission advocated for broadening the scope of the DAMP to include all companion animals, lower levels of euthanasia, and issues relating to domestic violence and domestic pets.

The second submission received was from the Eastern Domestic Violence Service (EDVOS), based in Melbourne's eastern metropolitan region. This submission raised issues of domestic violence and pets.

In response to the two submissions received:

- Council has low levels of animal euthanasia. Council attempts to reunite animals with their owner through identifying the animal and contacting the owner. If the dog cannot be identified, Council will attempt to rehome the animal by advertising on social media. If the animal cannot be

reunited, Council will attempt to rehome the animal and works with a number of rescue and rehome organisations. Euthanasia of the animal is a last resort.

- There has been no requests made to Council in regard to managing domestic animals situation in relation to domestic violence matters.

### **INNOVATION AND CONTINUOUS IMPROVEMENT**

The Domestic Animal Management Plan 2022 – 2025 has been prepared in accordance with the principles of pursuing innovation and continuous improvement.

### **COLLABORATION**

No external collaboration has been sought with other Councils and Governments and statutory bodies in the preparation of the DAMP. External bodies have been afforded the opportunity to provide a submission during the consultation period.

Internal collaboration has been carried out within the Development Services Department and with the Director Works and Technical Services.

### **FINANCIAL VIABILITY**

The DAMP has been prepared by Council staff. Policies and actions contained within the DAMP can affect domestic animal registration numbers, some educational and promotional activities may incur some expenses.

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

All Councils in Victoria have developed a Domestic Animal Management Plan which is renewed every four years

### **COUNCIL PLANS AND POLICIES**

The Domestic Animal Management Plan is in accordance with, and complementary to the Council Plan, in particular the Community Wellbeing and Built and Natural Environment themes.

It is a priority that Council has an adopted Domestic Animal Management Plan.

Councils are required to submit a Domestic Animal Management Plan to the Secretary of the Department of Jobs, Precincts and Regions (DJPR) every 4 years with the next submission required to the Secretary in December 2021.

### **TRANSPARENCY OF COUNCIL DECISIONS**

In order to promote transparency, Council will consider this resolution to adopt the Domestic Animal Management Plan 2022 – 2025 in an open meeting.

### **CONFLICTS OF INTEREST**

No officers involved in the preparation of this report have a conflict of interest in the subject matter of this report.

### 8.2.3 2021-2022 SWIMMING POOL FEES

**Author's Title:** Acting Director Works and Technical Services

**Department:** Works and Technical Services

**File No:** CP/19/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

#### PURPOSE

This report is presented to Council to consider waiving the lifeguard fee associated with swimming pool hire which was adopted as part of Council's 2021-22 Annual Budget process.

#### SUMMARY

Council adopted the proposed fees and charges in the 2021-22 Annual Budget which included a fee for a lifeguard when community groups and commercial entities hire one of Council's swimming pools. Council has received correspondence from the community raising concerns over the fee. In response to community concerns, this report is being presented to Council to consider waiving the lifeguard fee associated with swimming pool hire, and ceasing the 'banking' of cold weather days for 2021-22 season to minimise the impact of this of waiving fees to Council's budgeted position.

#### MOTION:

That Council:

1. Waive the Lifeguard fee of \$50.00 per hour for all swimming pool hire bookings in the 2021/2022 swimming pool season;
2. Waive the Lifeguard component of the 'Full facility hire per hour - Closed to the public' fee, reducing this fee from \$80.00 per hour to 30.00 per hour;
3. Waive the Lifeguard component of the 'Full facility hire per hour (commercial and schools), reducing this fee from \$80.00 per hour to \$30.00 per hour; and
4. Cessation of 'banking' cold weather days for use at the end of the 2021/2022 season to minimise the impact of waiving fees to Council's budgeted position.

**MOVED:** CR ALAN GETLEY

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R1066/21)**

**Attachments:** Nil

#### DISCUSSION

Historically, hire groups have had an option of 'bringing your own' lifeguard or, since 2019, being charged a rate of \$46.00 per hour to use Buloke Shire Council employed lifeguards. In 2021-2022 however, an operational decision was made which made the option to 'bring your own' lifeguard redundant due to safety compliance issues this option raises.

### Water Quality Management Guidelines

As a public aquatic facility operator, Council must manage the risks to human health arising from pathogenic micro-organisms in the water in the aquatic facility in accordance with the Public Health and Wellbeing Regulations 2019 and the Water Quality Guidelines which were published in 2020.

The Water Quality Guidelines reflect the provisions in the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Regulations 2019.

While the guidelines are not enforceable, they provide public aquatic facility operators with the best practice principles for achieving compliance with the regulations and the Act.

Operators of all public aquatic facilities are legally required to have a Water Quality Risk Management Plan (WQRMP) for each facility and to keep water quality records for 12 months. Council is required to have in place WQRMP's at each of its seven swimming pools

Under the Water Quality Guidelines, Council must ensure that they have trained staff to perform water quality management tasks which include but are not limited to:

- Water quality testing four-hourly while pool is in use, and associated water quality adjustments using chemicals and wearing correct Personal Protective Equipment (PPE) while performing adjustments;
- Water quality testing and associated adjustments at a minimum of 30 minutes prior to the facility being in use, wearing correct PPE while performing adjustments; and
- Appropriate response in relation to incidents which adversely affect water quality.

### Guidelines for Safe Pool Operations (GSPO)

Under a variety of legal standards and frameworks, facility owners and operators are charged with the responsibility of ensuring public and worker health and safety arising from the business and/or undertaking of aquatic facilities and their activities. Royal Life Saving Australia has written the Guidelines for Safe Pool Operation (GSPO), which compiles and contextualises these standards and frameworks, making them easier to understand and apply to aquatic facilities.

The GSPO is the recognised national industry standard that describes and makes recommendations as to the appropriate minimum standards of safety that should be attached to the ownership and operations of aquatic facilities, thereby providing a recognised standard of care in a particular area of operations.

All aquatic facility owners and operators are strongly recommended have an understanding of the GSPO in order to meet their obligations under the respective state and/or territory health and safety legislation.

### Supervision requirements under the Guidelines for Safe Pool Operations (GSPO)

Under the *Aquatic Supervision; Swimming, Water Safety and Exercise Programs*; and *Risk Management* sections of the Guidelines for Safe Pool Operations (GSPO), Council as a public aquatic facility operator should have a Supervision Plan/Lifeguard Deployment Plan in place at each facility. This update was published in 2019 and Council has supervision plans for each pool which reference the requirement to have qualified lifeguards in place who can patrol the entire pool space.

### Community Feedback

Community feedback in response to the lifeguard fee indicated concerns including the potential for the fee to prohibit small businesses, community groups and schools from running well-attended programs by the community at Council's facilities.

Council made a request to the Interim Executive Officer to investigate possible options for Council to consider in response to the community concerns. Officers presented several options to Council and it was indicated that waiving the Lifeguard fee would be the most suitable outcome for the community.

Council's budgeted position will be impacted by waiving the lifeguard fee for 2021/2022 and in an effort to minimise the impact to the operational budget, it is recommended that Council cease to 'bank' cold

weather days for use at the end of the 2021/2022 season. Officers note a cold start to this swimming pool season and the 2019/2020 season, and the change in weather pattern will be taken into consideration when formulating and presenting the proposed season dates for 2022/2023 to Council for consideration.

Officers have commenced preparation of the 2022-23 Annual Budget and are investigating a range of options with regard to fee structures for next year. Council will be briefed on this process and will be offered specific workshops with Officers to provide input into the options.

#### **RELEVANT LAW**

*Local Government Act 2020*

*Public Health and Wellbeing Act 2008*

#### **RELATED COUNCIL DECISIONS**

In June 2021, Council adopted the 2021-22 Annual Budget which included the proposed fees and charges for swimming pool hire.

#### **OPTIONS**

Not applicable.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

The draft Annual Budget 2021-22 was presented at the Council Meeting held on 12 May 2021 and Council subsequently commenced community engagement in accordance with its Community Engagement Policy. Submissions on the budget closed 12 noon 9 June 2021 and Council did not receive any submissions with regard to the proposed fees and charges.

Officers have developed a Swimming Pool Hire Guide and made direct contact with known hirers to communicate the changes and how to secure bookings this year. The Swimming Pool Hire Guide is also available on Council's website.

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

Council is committed to innovation and continuous improvement and will seek to work collaboratively with the community

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

The 2021-22 operational budget was developed with pool hirer's requiring a Council lifeguard at all pool bookings in mind, and the inclusion of a lifeguard fee would therefore offset any additional employee costs to the budgeted position.

As this report presents a recommendation to remove the lifeguard fees, Council is advised to consider the impact on Council's budgeted position which may fluctuate depending on number of pool hire bookings fulfilled in the 2021-22 swimming pool season. Based on assessment of the 2020-21 season the impact on Council's budget is estimated to exceed \$20K.

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

Council's commitment to operating safe aquatic facilities for the community, patrons and Council staff is reflected in its adherence to the Guidelines for Safe Pool Operations (GSPO) and Water Quality Management Guidelines 2020.

**COUNCIL PLANS AND POLICIES**

Council's budget development process was undertaken in accordance with its Community Engagement Policy.

**TRANSPARENCY OF COUNCIL DECISIONS**

Council's budget development process included receipt of submissions at a Council Meeting, with the opportunity for persons to speak to their submissions.

**CONFLICTS OF INTEREST**

No Officers and in the preparation of this report have a conflict of interest to declare.

## 8.2.4 COMMUNITY GRANTS AND SPONSORSHIP

**Author's Title:** Community Development Officer

**Department:** Community Development

**File No:** GS/09/42

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

Cr Warren declared a direct Conflict of Interest in Item 8.2.4 due to his membership, and being the author for the application for Donald 2000, a recipient for the Community Grants and Sponsorship Program noted in the report for a Sustainability Grant.

Cr Warren vacated the Council Chamber at 8.03pm.

The Deputy Mayor Cr Getley assumed the role of Chair in the absence of the Mayor.

### PURPOSE

This report is presented to Council to consider the allocation of funds from the Community Grants and Sponsorship Program.

### SUMMARY

Presenting four applications for the Community Grants and Sponsorship program and two Sustainability Grants for the Financial Year 2021/2022. Noting one sponsorship allocated by the CEO under the Community Grants and Sponsorship Guidelines.

### MOTION:

That Council:

- Allocates the following funding under the Community Grants and Sponsorship program:
  - \$1000 Small Capital Equipment Grant to Birchip Playgroup**
  - \$8717.33 Sustainability Grant to Donald 2000**
  - \$2000 Project Support Grant to Birchip Business and Learning Centre**
  - \$500 Small Capital Equipment Grant Wycheproof and District Lawn Tennis Club**
  - \$4948.08 Sustainability Grant to Wycheproof and District Lawn Tennis Club**
- Notes that a Sponsorship grant of **\$250 was awarded to Mallee Sports Assembly for their International Day of People with a Disability Function**, this was approved by Interim CEO, Wayne O'Toole, as per the Community Grants and Sponsorship Guidelines.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R1067/21)**

**Attachments:** 1 2021 - 2022 Community Grants

### DISCUSSION

The following applications for funding are being put forth to Council for final decision.

Each of these applications have been assessed as per the Community Grants and Sponsorship Guidelines as accepted by Council. The Senior Leadership Team recommends the following grants for council's consideration and final decision on the allocations.

<b>Project: Mini Mallee Movers</b>	
Organisation:	Birchip Playgroup
Grant Type	Small Capital Equipment
Amount Applied:	\$1000
Rec Funding Amt:	\$1000
Full project cost:	\$3,454
Project Description:	The project involves the purchasing of gym equipment for 0-5 year old children and a coaching session from 'Tumbling Tots' to teach the parents and volunteer playgroup facilitators how to safely use the equipment.
Project Benefit:	The project will help to support the development of Buloke's young children, in a way that is hands on, engaging and fun for both the children and their parents. Birchip playgroup is willing to share the equipment with other groups that might be interested in using it, and will promote these sessions around Buloke, and invite other parents to bring their families along.
<b>Project: Solar Meetings</b>	
Organisation:	Donald 2000
Grant Type	Sustainability Grant
Amount Applied:	\$8717.33
Funding Amount Recommended:	\$8717.33
Full project cost:	\$13,070.00
Project Descript:	Installation of Solar panels on Community Meeting room at 61 Woods St, Donald.
Project Benefit:	The project would mean that meetings ran in that building would be using renewable energy, and would reduce the impact that these meetings would have on the environment, as well as reducing the cost to power the building
<b>Project: Birchip Christmas Party</b>	
Organisation:	Birchip Business and Learning Centre
Grant Type	Project Support Grant
Amount Applied:	\$2000
Rec Funding Amt:	\$2000
Full project cost:	\$10,500
Project Description:	The Christmas Celebration is a community celebration to thank the volunteers in the community who contribute to so many groups in Birchip and surrounding areas. There will be special entertainment and activities to bring the community together after not being able to be together for the last 20 months.
Project Benefit:	The project will benefit the whole community and bring them together and give them opportunities for social connections and end the year on a positive note. The funding from Buloke will go towards the costs of the entertainment.
<b>Project: Court Boom Spray</b>	
Organisation:	Wycheproof and District Lawn Tennis Club
Amount Applied:	\$500
Funding Amt Rec:	\$500
Full project cost:	\$1,000
Project Descript:	Purchase of an electric boom spray for essential maintenance of the grass courts.
Project Benefit:	The boom spray will mean that the courts can continue to be maintained to a high standard, and will attract more people to come & be a part of the club, which will promote healthy living in the community, as well as create a space that will be well presented at the annual tournament, which will be attractive for tourists.

<b>Project: Purchase of a "Green Mower"</b>	
Organisation:	Wycheproof and District Lawn Tennis Club
Amount Applied:	\$4928.08
Funding Amount Recommended:	\$4928.08
Full project cost:	\$7466.80
Project Description:	The purchase of an electric mower for essential maintenance of the grass courts, in a sustainable way.
Project Benefit:	This mower will mean that the courts can continue to be maintained to a high standard, and will attract more people to come and be a part of the club, which will promote healthy living in the community, as well as create a space that will be well presented at the annual tournament, which will be attractive for tourists. It will also reduce the noise pollution and the environmental pollution that the diesel mower creates, which will mean that the Tennis Club is able to be more environmentally sustainable, whilst maintaining a safe and accessible tennis court surface.
<b>Project: International Day of People with a Disability, 1/12/21</b>	
Organisation:	Mallee Sports Assembly
Grant Type	Sponsorship
Amount Applied:	\$250
Funding Amount Recommended:	\$250
Full project cost:	\$300
Project Description:	A Celebratory Luncheon to celebrate International Day of People with a Disability, which will take place after the final session of the MSA's All Abilities Tennis Sessions, which are taking place at the Donald Lawn Tennis Club.
Project Benefit:	The function will promote inclusive sport and recreation and will be a fantastic opportunity to raise awareness of people with a disability, break down barriers for them and it will be a great opportunity for everyone to meet together and increase social interaction opportunities.

**RELEVANT LAW**

Not Applicable

**RELATED COUNCIL DECISIONS**

Not Applicable

**OPTIONS**

Council has the option not to allocate funds as per recommended or defer for further information.

**SUSTAINABILITY IMPLICATIONS**

Two of the applications are for Sustainability Fund support. They have the aim of reducing the applicant's carbon footprint.

**COMMUNITY ENGAGEMENT**

Manager of Community Services or Community Development Officer engaged with each applicant listed.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable

**COLLABORATION**

Not Applicable

**FINANCIAL VIABILITY**

These applications for the 2021/22 Financial Year from the \$20,000 allocation for Community Grants and the Sustainability Fund \$50,000 allocation. (see attached)

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

Not Applicable

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.  
Community Grants and Sponsorship Guidelines.  
Community Engagement Policy.

**TRANSPARENCY OF COUNCIL DECISIONS**

Councillors note the Wycheproof Recreation Reserve Community Asset Committee receives an annual funding allocation for the maintenance and upkeep of the Wycheproof Recreation Reserve and that the Tennis Club forms part of the reserve

**CONFLICTS OF INTEREST**

No officers involved in this report have a conflict of interest.

**Cr Warren returned to the Council Chamber at 8.05pm and resumed the role of Chair of the Meeting.**

## 8.2.5 ANNUAL REPORT 2020 - 2021 COUNCIL REPORT

**Author's Title:** Director Community Development

**Department:** Community Development

**File No:** CM/16/06

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

The purpose of this report is for Council to receive and consider the Buloke Shire Council Annual Report 2020-2021.

### SUMMARY

The *Local Government Act 2020* (the Act) require each Council in Victoria to prepare an Annual Report for each financial year.

The Annual Report is Council's highest level reporting document to the State Government and the community. While Council has a statutory obligation to produce an Annual Report, it is also an opportunity to demonstrate Council's service delivery and performance to the community regarding Council activities over the past financial year.

### MOTION:

That Council:

1. Receives and notes the Buloke Shire Council Annual Report 2020-2021 presented as an attachment to this report; and
2. Advertises that copies of the Annual Report 2020-2021 are available on Council's website and from Council's Wycheproof Customer Service Centre.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR CAROLYN STEWART

**CARRIED.**  
**(R1068/21)**

**Attachments:** 1 Buloke Shire Council Annual Report 2021-2022

### DISCUSSION

The *Local Government Act 2020* requires that Councils prepare an Annual Report each financial year. A further requirement is for Council to meet to consider the Annual Report no later than one month after Council has sent the report to the Minister for Local Government.

The report highlights the incredible amount of work that the Council has undertaken on behalf of the Buloke community in the 2020-2021 year.

In September of this year the Acting Minister for Local Government extended the normal submission date to 30 November 2021 due to the COVID-19 pandemic.

The Annual Report 2020-2021 was formally submitted to the Minister for Local Government on 24 November 2021.

#### **RELEVANT LAW**

The Local Government Act 2020 (the Act) and the Local Government (Planning and Reporting) Regulations 2014.

#### **RELATED COUNCIL DECISIONS**

The Annual Report 2019/20 reports against the objectives identified in the Council Plan 2017-21 Year 4 Annual Plan and the Annual Budget 2020/21.

#### **OPTIONS**

Not applicable.

#### **SUSTAINABILITY IMPLICATIONS**

Council produces far fewer hard copies of the report and actively promotes access to digital copies of the Annual Report.

#### **COMMUNITY ENGAGEMENT**

Council advertised that the Annual Report would be presented at this meeting on social media and in the Buloke Times, North Central News and the Sea Lake Times Ensign. The Financial Statements and Performance Statements for 2020/21 were presented at the Council Meeting held on 22 September 2021.

#### **COLLABORATION**

Manager Customer Engagement, who leads the compilation of the Annual Report, collaborated internally to ensure all reported items are factual and accurate.

The document was also reviewed by auditors from Accounting and Audit Solutions Bendigo.

#### **FINANCIAL VIABILITY**

The costs of producing the Annual Report is accommodated within the existing operational budget.

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

*Local Government Act 2020*

*Equal Opportunity Act 2010*

*Freedom of Information Act 1982*

*Disability Act 2006*

*Domestic Animals Act 1994*

*Food Act 1984*

*Public Interest Disclosures Act 2012*

*Road Management Act 2004*

#### **COUNCIL PLANS AND POLICIES**

Council Plan 2017-21

Council Plan 2017-21 Year 4 Annual Plan

Annual Budget 2020/21

#### **TRANSPARENCY OF COUNCIL DECISIONS**

The Annual Report is a key document within the Planning and Accountability Framework found in the Local Government (Planning and Reporting) Regulations 2014 (the regulations).

**CONFLICTS OF INTEREST**

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

## 8.2.6 APPLICATION TO RURAL COUNCILS TRANSFORMATION PROGRAM ROUND 2

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** GR|17|08

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

To outline the Council's proposed application to Round 2 of the Rural Councils Transformation Program (RCTP).

### SUMMARY

The RCTP is designed to help rural councils deliver services through funding the implementation of regional service delivery and shared services. The State Government has opened a second round of RCTP which will enable the Council to apply for funding to support initiatives under the Buloke Shire Council Transformation Strategy.

Buloke Shire Council proposes to partner with Yarriambiack Shire Council and Ararat Rural City Council in investigating opportunities to share common ICT platforms across core functions.

### Council Questions

Cr Getley enquired about the cost savings benefit of what the current operations of these functions.

Director Corporate Services responded to advise typically on premise solutions require on-site infrastructure and physical service. As move to transition from on premise solutions to cloud-based solutions, ultimately our requirement to maintain and purchase new hardware and hardware servers, becomes diminished so those costs in terms of reducing out ICT Hardware and Infrastructure will be present as we transition.

### MOTION:

That the Council endorse and support the proposed joint application from Buloke Shire Council, Ararat Rural City Council and Yarriambiack Shire Council to Round 2 of the Rural Councils Transformation Program.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR ALAN GETLEY

**CARRIED.**  
**(R1069/21)**

**Attachments:** Nil

## DISCUSSION

In its second round of the RCTP the Victorian Government has committed \$8 million to fund new and ongoing collaborations and resource sharing arrangements between rural councils that are deliverable within 2 years. In funding the RCTP, the Government has recognised that rural councils face greater challenges to their financial and operational sustainability in comparison to metropolitan councils. These challenges are present as a result of increased regulatory expectation on all Victorian councils and associated cost shifting, size and cost of council assets, population decline, the relative disadvantage of residents within rural Shires and the limitation on rural councils to raise their own revenue.

The second round of the RCTP provides an opportunity to align software systems for all key areas of Council operations to support shared knowledge and process alignment and result in increased opportunities for shared services, efficiency gains and succession planning. This proposal is underpinned by the direction each council has taken individually in developing and adopting similar digital transformation strategy outcomes across financial, asset management, statutory services and records management systems.

The first stage of the submission process is complete, following a presentation on project outcomes and benefits made by the three councils to the Program Manager and Department of Jobs, Precincts and Regions. The formal application is due for submission by 10 December 2021.

If successful in obtaining funding under the second round of RCTP, the specific outcomes for Buloke would be:

- **Establishment of a cloud-based SQL server:** this would present a more cost-effective solution to a fully integrated ERP system and enable cross reporting of systems as well as act as a disaster recovery system for our cloud based, software-as-a-service (SaaS) solutions
- **Support in training and development for PowerBI Dashboards:** these Dashboards provide the opportunity to support cross-system reporting, reconciliation and exception reporting and analysis of both financial and non-financial metrics. Council's Business Transformation Strategic Plan specifically identifies PowerBI as out of scope due to the current mix of historical and contemporary systems and the cost and complexity of developing and maintaining customisable and relevant reporting. However, the current funding will provide an ability for Council to build internal skills and capabilities in PowerBI to enable Council to build its own dashboards into the future as a key tool in promoting informed decision making.
- **Implementation of an Electronic Document Records Management System (EDRMS):** Council's Business Transformation Strategy identifies an alternative to its current EDRMS as a critical, core system. The limitations of an on-premise solution and centralised records management approach were keenly felt throughout the COVID-19 pandemic, and implementation of a Microsoft Office cloud-based system presents strong, efficient and flexible foundation on which to further build on key governance outcomes required by the Public Records Office of Victoria (PROV)
- **Continued improvement in Asset Management Systems:** there is no proposal for the Buloke Shire Council to commit to a change in system under this program however the support for Yarriambiack and Ararat councils to advance their asset management maturity level by implementation of an asset management system predictor platform will benefit Buloke longer term in its ongoing commitment to improve its asset management practices
- **Implementation of Building and Planning solution:** following the withdrawal of Council from the RCTP Round 1 funding, there is an immediate need to update Council's Regulatory Services system to support service delivery and meet customer expectations. The RCTP application recognises a common system is already in place at both Ararat and Yarriambiack, and the ability to partner with these councils by implementing the same system will result in better productivity and community engagement practices.
- **Integration of Emergency Management solution:** all 3 councils utilise the same system for emergency management practices. System limitations include duplication manual entry of key

information. The RCTP application proposes the Government fund an integration between Council's core (property and rating) database and emergency management software to enable a single source of truth and reduce duplication of data.

The RCTP funding application estimates total investment required to achieve stated benefits as \$783,200, with RCTP application of \$750,000 and shared contribution across the 3 councils of \$33,200. Buloke's specific investment would be \$11,066 with financial savings to offset this investment identified through:

- Reduction in hosting costs for Council data
- Reduction in onsite infrastructure server hardware costs by transitioning to cloud-based ICT solutions
- Reductions in costs associated with historical EDRMS and Planning and Building modules.

#### **RELEVANT LAW**

*Local Government Act 2020* and Council's Procurement policy.

All systems would need to comply with the requirements of the Victorian Data Protective Security Standards and the Council's Protective Data Security Plan.

#### **RELATED COUNCIL DECISIONS**

Council's Annual Plan Year 1 identifies the adoption of the Business Transformation Strategy as a key initiative within 2021/22. The proposed initiatives are aligned with the outcomes of this Strategy, with the exception of the PowerBI initiative, which was scoped out in view of the additional resources required to implement same. The RCTP funding will provide the resources required to implement PowerBI into the future.

#### **OPTIONS**

The Council may determine not to proceed with the application. If the Council chooses not to support Buloke's involvement in RCTP Round 1, several the initiatives proposed within the Application will still be required and will be supported through allocation of own-source revenue.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

No direct community engagement is required, however if Council is successful in its application the implementation of ICT solutions therein will result in better and more accurate information being used to support consultation and decision making.

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

Investment in ICT and systems promotes an environment which is committed to innovation in service delivery and standards.

#### **COLLABORATION**

Having common platforms and systems enables opportunities to collaborate on ICT procurement activities for future ICT developments.

#### **FINANCIAL VIABILITY**

Financial viability of rural councils is recognised as a key driver for the Victorian Governments RCTP program. Information in relation to the financial investment, and corresponding savings which will result, have been outlined in the body of this Report.

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

Over the past 5 years, agency reports have publicly pointed to the challenges rural councils face in maintaining and delivering sustainable services, including statutory services, and yet Buloke and other rural municipalities are faced with increasing changes in legislation compliance and limitations on revenue generation.

**COUNCIL PLANS AND POLICIES**

The RCTP Round 2 funding application is aligned with the Council's adopted Business Transformation Strategy.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Victorian Government have indicated they are seeking clear Council support in any applications to the RCTP. This Report meets the requirement for demonstrative support in Council's strategic direction.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflict of interest in relation to this report or the Application to Round 2 of the RCTP.

## 8.2.7 APPOINTMENT OF ALTERNATIVE INTERIM CHIEF EXECUTIVE OFFICER

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

**Department:** Office of the CEO

**File No:** ED/01/02

**Relevance to Council Plan 2021 - 2025**

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

### PURPOSE

This report is presented to Council to appoint an alternative Interim Chief Executive Officer, until such time Council appoints its permanent Chief Executive Officer (CEO), and the successful incumbent has commenced duties with the Council.

### SUMMARY

This report is in accordance with the Appointment of Interim Chief Executive Officer report that was considered at Council's Special Meeting held 22 September 2021, whereby following the departure of the former Chief Executive Officer, Anthony Judd, Council needed to consider its arrangements to appoint an Interim Chief Executive Officer.

At this Meeting, Council resolved to appoint Wayne O'Toole as Interim Chief Executive Officer of Buloke Shire Council from 4 October 2021 until a new Chief Executive Officer has permanently commenced duties or Council resolves to appoint an alternative Interim Chief Executive Officer.

Council continues to work through the recruitment process for a permanent CEO, and this recommendation allows for Council to appoint an alternative Interim CEO prior to the permanently appointed CEO has commenced duties.

### MOTION:

That Council appoint Hannah Yu as Interim Chief Executive Officer of Buloke Shire Council from 13 December 2021 until a new Chief Executive Officer has permanently commenced duties.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R1070/21)**

**Attachments:** Nil

### DISCUSSION

Section 44 of the *Local Government Act 2020* (the Act), and previously section 94 of the *Local Government Act 1989*, requires that a local government employ a person to be the CEO of the local government. A Council must appoint a natural person to be its CEO and it must make a permanent appointment to the position of CEO as soon as is reasonably practicable after a vacancy in the position occurs.

Council must, in accordance with section 44 of the Act, ensure continued interim CEO arrangements are made until such time a new CEO is appointed and permanently in place.

The resolution allows for Council to appoint an alternative Interim CEO prior to the appointed CEO has permanently commenced duties.

**RELEVANT LAW**

Section 44 of the *Local Government Act 2020*.

**RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

Council is able to make alternative arrangements, but must have a CEO in place.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

There are no further consultation requirements relating to this report.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not Applicable.

**FINANCIAL VIABILITY**

Any costs associated with this matter are contained within the existing operational budget.

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

Not applicable.

**COUNCIL PLANS AND POLICIES**

This report relates to the strategic priority of a well governed organisation.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report is presented to open Council meeting.

**CONFLICTS OF INTEREST**

No conflicts of interest were declared during the preparation of this report.

**8.3 FINANCIAL REPORTS**

Nil

**8.4 ORGANISATIONAL REPORTS**

Nil

**8.5 REPORTS FROM COUNCILLORS**Report from Mayor Daryl Warren – Mount Jeffcott Ward

11/11/21	Flow FM Radio Interview
12/11/21	ABC Radio interview
13/11/21	Host the Mayor of Queenscliffe for the Weekend
15/11/21	Gold FM Radio interview Birchip Forum meeting
16/11/21	ABC Radio interview CEO/Mayor meeting Dr Anne Webster meeting in Donald
17/11/21	CEO Interview Panel Council Briefing
18/11/21	Birchip Civic Centre Workshops
19/11/21	International Men's Day North West MAV meeting
23/11/21	CEO Consultants meeting CEO/Mayor meeting
24/11/21	Donald Community Precinct meeting Donald 2000 meeting
25/11/21	Meals on Wheels Donald
26/11/21	Landowners meeting Sea Lake
29/11/21	Chair AGM meeting Donald Hospital Auxiliary
30/11/21	CEO/Mayor meeting
1/12/21	Audit and Risk meeting Wycheproof Council Briefing Wycheproof
2/12/21	Small Towns Fund meeting Donald Men's Shed Annual Dinner
7/12/21	CEO 2 <sup>nd</sup> Round Interviews
8/12/21	Council meeting Wycheproof

**8.6 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:

- |       |   |     |  |
|-------|---|-----|--|
| 8.6.1 | C101 2021/22 - PROVISION OF WASTE & RECYCLING COLLECTION SERVICES | (h) | confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)  |
| 8.6.2 | SALE OF PROPERTY TO RECOVER UNPAID RATES AND CHARGES              | (k) | information prescribed by the regulations to be confidential information for the purposes of this definition |

**MOVED: CR ALAN GETLEY**

**SECONDED: CR GRAEME MILNE**

**CARRIED.  
(R1071/21)**

**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 DAVID POLLARD**

**SECONDED: CR BRONWYN SIMPSON**

**CARRIED.  
(R1075/21)**

**9. OTHER BUSINESS****9.1 NOTICES OF MOTION**

Nil

**9.2 QUESTIONS FROM COUNCILLORS****9.2.1 CR SIMPSON – LIFEGUARD ROSTER IN PLACE**

Cr Simpson enquired if there was a Lifeguard roster in place.

Acting Director Works and Technical Services responded to advise a fortnightly lifeguard roster has been issued.

**9.2.2 CR MILNE – PRESENTATION RE: MURRAY BASIN RAIL PROJECT**

Cr Milne enquired if the copy of the presentation that was made at the Councillor Briefing 17 November 2021 has been received as promised from Rail Projects Victoria.

Interim Chief Executive Officer, Wayne O’Toole, advised this matter will be followed up and a copy will be provided to Councillors when received.

**9.3 URGENT BUSINESS**

Nil

**9.4 ANY OTHER BUSINESS**

Nil

**10. MEETING CLOSE**

Meeting closed at 9.08pm