



COUNCIL MEETING

MINUTES

Wednesday 12 October 2022

Commencing at 7:00pm

Wycheproof Supper Room

367 Broadway, Wycheproof

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

4. REQUESTS FOR LEAVE OF ABSENCE

Nil.

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

There were no declarations of interest.

6. QUESTIONS FROM THE PUBLIC

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NIL	
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The Meeting may be closed to members of the public to consider confidential matters.	
9.1.1 CONTRACT115 2021/22 LOCAL ROADS RECONSTRUCTION	
If the meeting has been closed it will be brought back into open session by resolution	
10. MEETING CLOSE	

NEXT MEETING

THE NEXT MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 9 NOVEMBER 2022 AT 7:00PM WITH THE STATUTORY MEETING OF COUNCIL BEING HELD AT 6:00PM ON THE SAME NIGHT.

Wayne O'Toole
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

6.1 UNCLE GARY MURRAY, ON BEHALF OF FIRST NATIONS PEOPLES, TRADITIONAL OWNERS OF DIREL (LAKE TYRRELL) – MURRAY ALLAN DEVELOPMENT - LAKE TYRRELL

BACKGROUND TO ALL THREE QUESTIONS:

On 14 March 2019. Elder Uncle Gary Murray had lengthy discussions with the then Mayor of the Buloke Shire Council, Cr Carolyn Stewart in regard to the:

“multifunctional cultural, ecotourism and environmental Planetarium Resort concept..... showcasing the Boorong people’s history, galaxy creation stories, language, landscape and waterscape to cultivate and nurture”

and he (as representative of First Nation’s peoples/Traditional Owners) emailed to the Mayor, Cr Stewart a brief documentation supporting this concept.

This concept already has the support of Wamba Wamba, Wadi Wadi, Tati Tati, Latji Latji, Wotjobaluk Djupagalk Jaardwajala and Jaadwa First Nations. This concept has already been discussed with the Ms Karen Milward, the Co-Chair of the Victorian Aboriginal Economic Development Board and she is supportive of the proposal. Funding for the Business Case and Feasibility Study, including a Master Architectural Plan, would be available from First Nations State Relations Department and Aboriginal Community Infrastructure Funds of up to \$50,000. Specialist Architects have already been briefed on the concept.

QUESTION 1:

Instead of the Buloke Shire sponsoring and supporting the World Heritage values of Direl (Lake Tyrrell), why has the Shire proceeded instead to grant a Planning Permit (By Rodney Hotker, Shire Planning Officer on 22 June, 2017) for the Murray Allan Development (for cabins, camping ground, caravan park and helipad) on the very environmentally sensitive shores of Direl?

We, First Nations peoples/Traditional Owners of Direl, are of the strong belief that this Planning Permit was granted by the Buloke Shire in breach of the Victorian and Commonwealth legislation (*Aboriginal Heritage Act 2006, Vic.*, and the *Aboriginal and Torres Strait Islander Heritage Protection Act, 1984 C/w* and Regulations thereunder) for the protection of First Nations tangible and intangible heritage. In addition, we are of the strongest views that this Permit was granted in breach of the Victorian Charter of Human Rights (the *Charter of Human Rights and Responsibilities Act, 2006, Vic.*).

The Murray Allan Development, already commenced in breach of the legislation and regulations, is destructive of, and highly detrimental to, significant Aboriginal cultural heritage at Direl being on the very shores of the lake and in the highly fragile dunes areas protected under this important legislation.

RESPONSE FROM MAYOR CR DARYL WARREN:

Council issued a Planning Permit in June 2017 for use and development for a camping and caravan park, helipad, signage and associated works on Mr Allan’s property.

This permit was issued under delegation by Council’s Planning Officer in accordance with the Planning and Environment Act 1987. Council as the Responsible Authority is required under the Act to assess all planning applications lawfully submitted to us. The permit is legally binding due to having been executed in compliance with the law.

There were no objections to the permit application by any agency or individual and there has been no appeal made on the planning decision since it was issued in June 2017.

6.2 & 6.3 UNCLE GARY MURRAY, ON BEHALF OF FIRST NATIONS PEOPLES, TRADITIONAL OWNERS OF DIREL (LAKE TYRRELL)– UNANIMOUS SUPPORT FOR MALLEE RALLY

QUESTIONS 2 AND 3:

Why then is the Buloke Shire continuing:

- a) To provide its UNANIMOUS SUPPORT for the reinstatement of the Mallee Rally which has been shown to be highly destructive of Aboriginal cultural heritage (see the Vincent Clark Conservation Management Report and its recommendations, produced at the direction of the Buloke Shire Council, January, 2022) and its (the Report's own) recommendation that the Mallee Rally should never again be reinstated at Direl? and,
- b) To maintain that the Murray Allan Development Planning Permit was, and is a "legally valid permit" when in fact, we believe that the granting of that permit was in total breach of all the governing legislation, State and Commonwealth?

NOTING: I note that it is now three and a half years since Uncle Gary spoke to the Mayor and sent her the documentation referred to above. Elder Uncle Gary has had NO FURTHER RESPONSE from the Buloke Shire since that time.

Hence Uncle Gary, on behalf of First Nations people/Traditional Owners of Direl, asks these questions so as to provide proper and up-to-date answers to First Nations brothers and sisters who are keenly aware of, and highly concerned, about Direl. Also we believe that we are obliged to contact the various Government Departments in relation to these concerns.

RESPONSE FROM MAYOR CR DARYL WARREN:

The carried Notice of Motion at a Council Meeting on 8 June 2022 in relation to a Letter of Support for the Sea Lake Off Road Club Inc also noted that "The importance of conserving and protecting the heritage of this area is truly respected, noting the Cultural Management Plan prepared for Lake Tyrrell. The SLORC have engaged the services of a cultural heritage adviser who has inspected the proposed route and is to prepare a report soon".

It is not unreasonable action of Council to support a voluntary committee working towards a community outcome, provided that cultural heritage is respected and protected.

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 7 and 21 September 2022.

MOVED: CR GRAEME MILNE

SECONDED: CR BRONWYN SIMPSON

CARRIED.

(R111/22)

- Attachments:**
- 1 Councillor Briefing Record - 7 September 2022
 - 2 Councillor Briefing Record - 21 September 2022

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 7 and 21 September 2022 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 ALAN GETLEY

SECONDED: CR BRONWYN SIMPSON

CARRIED.

(R112/22)

Attachments: Nil

TABLE OF CORRESPONDENCE

Council Initiative	Sent/to be sent to	Sent	Response	Purpose of Letter/Response
Writes to Life Saving Victoria and Royal Life Saving Australia requesting the Lifeguard Course include an alternative fitness test.	Life Saving Victoria and Royal Life Saving Australia			To outline the concern that: (a) the long-distance swim does not reflect requirements of the Lifeguard role in community pools; and (b) the use of the long-distance swim as a standardised fitness test is a barrier to the Council's ability to attract/retain Lifeguards, consequently creating greater disadvantage to small rural councils in providing aquatic services to their communities.
To mark the passing of Her Royal Highness, Queen Elizabeth II and send its condolence to the Royal Family	To the members of the Royal Family	28/9/22		To send an official message of condolence for the passing of Her Royal Highness, Queen Elizabeth II on 8 September 2022 and to honour her life.

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 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 ALAN GETLEY

CARRIED.

(R113/22)

Attachments: Nil

RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Buloke Shire Council	Ms Louise Staley MLA Member of Victorian Parliament representing Ripon Electorate		For her dedicated work and service in representing the people of the Ripon Electorate as a Member of the Victorian Parliament

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 September 2022 to 30 September 2022.

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

MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 September 2022 to 30 September 2022.

MOVED: CR DAVID POLLARD

SECONDED: CR GRAEME MILNE

CARRIED.
(R114/22)

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Date Approved
20220082	6343978911832	Bennetts Road, Yeungroon	Demolition of Dwelling	12/09/2022
20220084	7318274004515	Rutherford Street, Charlton	Demolition of Dwelling	12/09/2022
20220085	8904237965552	Watson Street, Birchip	Demolition of Dwelling	29/09/2022
20220086	2866001001499	Sutcliff Street, Sea Lake	Shade Sail Structure	29/09/2022
20220087	3084200950139	Morrison Street, Birchip	Dwelling	29/09/2022

LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR

Permit No.	Address	Project Description	Date Approved
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 ALAN GETLEY

SECONDED: CR DAVID POLLARD

CARRIED.

(R115/22)

Attachments: Nil

LIST OF PLANNING APPLICATIONS

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA962/21		Corack Road, Donald (Lot 1&2 PS216306M)	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	Awaiting referral response
PPA981/22		Donald Street, Charlton (PC157596)	18/05/2022	Construction of a single dwelling	Referral
PPA986/22		High Street, Charlton (Lot 1 TP 193629)	01/06/2022	Construct and display an 18.26m2 double-sided, externally illuminated major promotion sign	Objection

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA987/22		Donald-Murtoa Road, Laen East (Lot 2 PS744335)	10/06/2022	Create access to a road in Transport Zone 2 for a dwelling	Referral Authority - Request for further information
PPA992/22		Bunker Road, Donald (Lot 2 LP209107)	06/07/2022	Construct and display an illuminated, double-sided major promotion sign	Awaiting report
PPA993/22		High Street, Charlton (Lot 1 & 2 TP216537)	08/07/2022	Construction of a shed for domestic use	Referral Authority - Request for further information
PPA994/22		Rutherford Street Charlton (CP153475)	20/07/2022	Construction of a verandah and deck	Awaiting report
PPA995/22		Donald-Swan Hill Road, Corack East (CA 3 Sec C Parish of Corack East)	20/07/2022	Building and works associated with a telecommunications facility	Awaiting report
PPA996/22		Tonkins Road, Jeffcott (CA 29, 30 & 31 Parish of Jeffcott)	22/07/2022	Three lot subdivision of land (boundary realignment) and removal of easement	Awaiting report
PPA997/22		Industry Drive, Donald (Lot 69 PS444989)	28/07/22	Development of land for a service station (unmanned fuel cell) and construction and display of a business identification sign	Awaiting report
PPA998/22		Cheetham Salt Road, Bimbourie (CA 50A Parish of Bimbourie)	09/08/2022	Works to upgrade an existing concrete pad and the installation of a new 12mx12m concrete pad associated with an existing salt harvesting facility	Awaiting report
PPA999/22		Donald-Swan Hill Road, Towaninny	13/08/2022	Subdivision of land (boundary realignment and dwelling excision) resulting in three lots	Awaiting report

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA1000/22		Taverner Street, Birchip (Lot 21 LP3071)	15/08/2022	Three-lot subdivision of land and construction of two dwellings	Awaiting report
PPA1002/22		Menzies Street, Charlton (CA 3, Sec. 12, Parish of Charlton East)	09/09/2022	Construction of a verandah	Awaiting report
PPA1003/22		Warracknabeal- Birchip Road, Warmur	31/08/2022	Subdivision of land (boundary realignment)	Notice of application Referral
PPA1004/22		Berriwillock-Birchip Road, Berriwillock	05/09/2022	Subdivision of land (boundary realignment)	Notice of application
PPA991/22		Edwards Road, Nareewillock (Lot 1 TP334726)	29/06/2022	Construction of a machinery shed	Permit issued
PPA1001/22		Charlton-Jeffcott Road, Charlton (Lot 1 Plan 132844 Parish of Wooroonook)	07/09/2022	Construction of a replacement dwelling	Permit issued

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 action and the SOA for the 14 September Council Meetings Resolutions.

MOTION:

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

MOVED: CR GRAEME MILNE

SECONDED: CR DAVID POLLARD

**CARRIED.
(R116/22)**

Attachments: 1 Action taken on Council Resolutions - Outstanding items and 14 September 2022

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 2020, 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 and introducing the SOA for the 14 September 2022 Council Meeting Resolutions.

8. GENERAL BUSINESS**8.1 POLICY REPORTS****8.1.1 LOAN GUARANTEE POLICY**

Author's Title: Manager Finance

Department: Office of the CEO

File No: CM/14/10

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

This report recommends the adoption of the revised Loan Guarantee Policy

SUMMARY

The adopted Loan Guarantee Policy has been revised to increase the guarantee limit from \$300,000 to \$500,000 and to clarify information required by Council to monitor the underlying loans.

MOTION:

That Council adopt the revised Loan Guarantee Policy for a period of 4 years.

MOVED: CR GRAEME MILNE

SECONDED: CR ALAN GETLEY

CARRIED.
(R117/22)

Attachments: 1 Draft Loan Guarantee Policy

DISCUSSION

Council adopted a Loan Guarantee Policy at the ordinary meeting held 10th June 2020. The policy was developed and adopted to facilitate granting of loan guarantees through Councillor resolution. The policy defines eligible Community Organisations, the process for these groups to submit requests to Council, acceptable loan conditions and established a loan guarantee exposure limit of \$300,000 for Council under overarching measures against financial sustainability indicators.

The draft policy has increases the limit from \$300,000 to \$500,000 and also clarifies the obligation of the Community Organisation to provide Council a loan balance statement biannually for external audit documentation.

The draft policy was reviewed and endorsed by the Audit and Risk Committee on 20th September, 2022.

RELEVANT LAW

Not applicable

RELATED COUNCIL DECISIONS

Loan guarantees previously provided to Charlton Park 2020 and Birchip Community Housing.

OPTIONS

The Council may amend Policy provisions at any period during its term.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

Not applicable

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable

COLLABORATION

Not applicable

FINANCIAL VIABILITY

Council currently provides a loan guarantee to Charlton Park 2020 Committee and has similarly supported Birchip Community Housing in the past. All loan guarantees are reported as contingent liabilities in the Annual Financial Statements at balance date. As at 30 June 2022, the contingent liability reported for loan guarantees was \$150,000 and Council's financial sustainability indicators identified by the Loan Guarantee Policy are:

Indicator	Calculation	Required in Policy	Actual 30 June 2022
Liquidity (Working Capital):	Current Assets/Current Liabilities	>1.5	3.03
Indebtedness:	Non-Current Liabilities/Own Sourced Revenue	<40%	6.41%
Debt management:	Total Debt/Rates Revenue	<25%	0%
Debt commitment:	Finance Cost/Loan Repayments	<5%	0%

Council Officers assess the proposed increase to the loan guarantee limit will not impact financial sustainability indicators under current circumstances.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

COUNCIL PLANS AND POLICIES

Not applicable

TRANSPARENCY OF COUNCIL DECISIONS

Draft policy has been reviewed and endorsed by the Audit and Risk Committee

CONFLICTS OF INTEREST

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

8.1.2 PROCUREMENT POLICY

Author's Title: Manager Finance

Department: Office of the CEO

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 revised Procurement Policy (Policy) in compliance with the *Local Government Act 2020* (the Act).

SUMMARY

The adopted Procurement Policy has been revised to update values to be exclusive of GST.

MOTION:

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

MOVED: CR ALAN GETLEY

SECONDED: CR BRONWYN SIMPSON

CARRIED.
(R118/22)

Attachments: 1 Draft Procurement Policy

DISCUSSION

Council adopted a Procurement Policy at the meeting held 8 December 2021. The *Local Government Act 2020* (Act) requires each council to prepare and adopt a Procurement 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 Procurement Policy adopted reflects all expenditure threshold values to include Goods and Services Taxation (GST). This treatment of GST is inconsistent with financial reporting, budgeting and adds additional complication in financial system for monitoring. Following a survey of Local Government Authorities (LGA), Officers have identified the majority of LGA procurement thresholds are exclusive of GST.

The draft Procurement Policy is presented to update threshold values as exclusive of GST to alleviate undue complications from the previous version. The Policy complies with sections 108 and 109 of the Act.

The draft Procurement Policy was reviewed and endorsed by the Audit and Risk Committee on 20th September, 2022.

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

Not applicable

COMMUNITY ENGAGEMENT

Not applicable

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable

COLLABORATION

Officers surveyed Procurement Policy other Local Government Authorities and it was identified the majority treatment was exclusive of GST.

FINANCIAL VIABILITY

Not applicable

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

COUNCIL PLANS AND POLICIES

Not applicable

TRANSPARENCY OF COUNCIL DECISIONS

Draft policy has been reviewed and endorsed by the Audit and Risk Committee

CONFLICTS OF INTEREST

I, Aileen Douglas, 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 TOURISM BUSINESS INNOVATION GRANTS - ROUND TWO

Author's Title: Senior Economic Development Officer

Department: Community Development

File No: GS/09/50

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Economy

PURPOSE

For Councillors to consider awarding Round two of the Tourism Business Innovation Grant based on the assessment undertaken by the independent panel's findings.

SUMMARY

This report details the applications received in relation to the Tourism Business Innovation Grants Program, Round Two, the assessment criteria used to assess the applications, and the findings by the Assessment Panel.

MOTION:

That Council

1. Award \$15,000 to the Blue Duck Distillery in Donald, and
2. Retain the remaining \$15,000 in the fund to run a third round in 2023.

MOVED: CR GRAEME MILNE

SECONDED: CR DAVID POLLARD

CARRIED.
(R119/22)

Attachments: Nil

DISCUSSION

In 2021, Council received \$790,000 in funding under the Department of Jobs, Precincts and Regions (DJPR) Tourism Infrastructure Program (Flagship Projects) to deliver a four-part project including:

- Buloke accommodation for lakes inviting niche tourism,
- Night activation for Silo Art,
- A Street Art Festival, and a
- Business Innovation Pilot program.

The purpose of the fund is to deliver priority projects identified in the Silo Art Gap Analysis, which was funded and developed by the DJPR, in partnership the with Wimmera Mallee Tourism member Councils (Buloke, Hindmarsh, West Wimmera and Yarriambiack Shire Councils).

As part of this funding, Buloke is represented on a greater Project Design Steering Group (PDSG) with representatives from Hindmarsh, West Wimmera and Yarriambiack Shire Councils, Regional

Development Victoria (RDV) Grampians, RDV Loddon Mallee, Dja Dja Wurrung Clans Aboriginal Corporation, Visit Victoria and the Tourism and Tourism Events Visitor Economy (TEVE) department of DJPR.

The purpose of the Business Innovation Pilot program under the grant agreement is to:

- Support local businesses to maximise benefits from increased tourism,
- Provide financial support to at least one pilot project per year over two financial years, and
- Increase visitor expenditure by 2023-2024 using a 2019-2020 baseline.

Guidelines

The Council endorsed the Tourism Business Innovation Grants Guidelines at its meeting in April. The guidelines aim to support projects and initiatives which are aligned to Councils tourism objectives, prioritising applications which can demonstrate:

- Alignment with key strategies in the Interim Economic Development and Tourism Strategy 2023-2024:
 - Theme 1: COVID Recovery – “Positioning Buloke for Domestic Visitor Experiences”
 - Theme 4: Targeted industries investment – “Tourism Attractions and Responsive Town Businesses”, and “Enhance agribusiness diversification and value-adding”
- Alignment with priorities identified in the Silo Art Gap Analysis for Buloke:
 - Improved visitor servicing (improved and consistent offering, or innovative offerings)
 - Adding value to existing Silo Art Trail through innovative activation of current tourism product or development of new tourism product
- Increase visitor expenditure in Buloke by 2023-2024.

Assessment Panel

Originally, the assessment panel which was established was designed to include representation from Councils key tourism stakeholders, including a representative from the Economic Development and Tourism Advisory Committee (EDATAC), Buloke Tourism Board (BTB), specialist Council Officers, and an independent tourism professional.

After further consideration and feedback from members of Buloke Tourism Board, it was determined that including a representative from Buloke Tourism Board may prohibit the ability for the Board to support or endorse applications to the fund, and their ability to make an application to the fund should they decide to. Instead, Officers enquired through Wimmera Mallee Tourism Board to seek alternate panel members who were independent of Council administration.

The Assessment Panel Members were:

Name	Position/Organisation
Kayla Watterson	Coordinator Business Services, Grampians, Regional Development Victoria
Georgia Bennett	Marketing and Silos Project Officer, Wimmera Development Association
David Leathem	Independent Tourism Professional (Previous Manager Economic Development and Tourism at Mount Alexander Shire Council, and currently a Tourism consultant).
Darci Tierney	Acting Manager Facilities and Projects, Buloke Shire Council
Kerrie Mulholland	Senior Economic Development Officer, Buloke Shire Council

Assessment Criteria

Each application was scored against the below nine criteria which were directly linked to the *Tourism Business Innovation Guidelines*:

1. Originality and uniqueness of idea in Buloke
2. How well will their idea attract and encourage tourism in the Buloke region
3. Positioning Buloke for domestic visitor experiences
4. Adding value to the existing Silo Art Trail through innovative activation
5. Extending overnight stay within the region through traditional target markets
6. Attracting new target markets to the regions, in line with Council's tourism markets – Grey Noma Day Trippers, Lifestyle Leaders and Young Active families
7. Improved visitor servicing (improved and consistent offering, innovative offerings)
8. Number of towns likely to receive benefit
9. Sustainability – documents provided by applicant demonstrate likelihood of sustainable business model post-funding

Assessment Rubric and Scoring Method

Rubric

Scoring		
Result	Description	Score
Excellent	The application satisfies the selection criteria to an excellent standard. The supporting information is comprehensive, well-evidenced and compelling.	9-10
Very Good	The application satisfies the selection criteria to a very good standard. The supporting information is clearly articulated and compelling.	7-8
Good	The application satisfies the selection criteria to an acceptable degree. There are some minor deficiencies and shortcomings in the detail of the supporting documentation. Shortcomings in supporting documentation are not critical to the success of the project.	5-6
Average	The application barely satisfies the selection criteria. There are major deficiencies in the detail of the supporting information.	3-4
Poor	The supporting information is insufficient to allow an in-depth assessment of application against the selection criteria.	0-2

All panellists received a copy of the applications, the scoring rubric, and the following instructions via email on the afternoon of Monday 12 September 2022:

1. Each panellist is required to score applications against the assessment criteria using the scoring rubric provided.
2. Each criterion is scored between 1-10, with 1 being the lowest score and 10 being the highest score.
3. Each applicant's total score will be the sum of the average criteria scores.
4. To assist with the panel assessment, discussion, and moderation of scores, it is recommended that panellists keep notes against each score.

Assessment Moderation Method

To ensure transparency and accuracy of scoring, outlying scores were moderated across the top scoring applications using the following methodology:

When there is a conflict of scores between assessment panellists of +/-3, the panellists discussed their scoring in detail to ensure their understanding of the application responses and the scoring rubric were consistent.

Based on the discussion, panellists could choose to maintain their score, or modify it.

Applications received

Applicant	Overview of initiative
Blue Duck Donald Distillery & Smokehouse	<p>Total projected expenditure: \$154,816 Other grant income/contributions: \$160,000 (Business sales forecast May 2022-April 2023– not confirmed) Grant amount requested: \$30,000 Buloke's first all home grown & locally produced distilled spirits and farm grown meats will bring the paddock to plate, grain to bottle experience for everyone to enjoy.</p>
Brady Farm Tours	<p>Total projected expenditure: \$0 Other grant income/contributions: \$0 Grant amount requested: \$27,948 Provide an authentic & affordable farm experience for tourists and local groups of all ages, through a tour of our working farm.</p>
Storytowns	<p>Total projected expenditure: \$29,680 Other grant income/contributions: \$0 Grant amount requested: \$29,680 Inspire people to travel, stay & experience regional towns. We do this with our immersive story-based travel guide podcasts that showcase local stories of people, lifestyle, history & activities.</p>
The Mallee Barn	<p>Total projected expenditure: \$110,000 Other grant income/contributions: \$80,000 Grant amount requested: \$30,000 Create a unique accommodation option that celebrates local farming history but also attracts new tourists to the area. Lure tourists who otherwise may not have considered the Mallee as a holiday destination.</p>

Assessment Scores

Applicant	Raw Score	Final Score (Average)
Blue Duck Donald Distillery	350 (1)	70
Brady Farm Tours	275 (4)	55
Storytowns	307 (3)	61.4
The Mallee Barn	323 (2)	64.6

Assessment Panel Feedback and Final remarks

The assessment panel were overall very impressed with the variety and calibre of applications received and impressed upon the point that the Council should consider how it may assist unsuccessful applicants to facilitate their ideas in future.

The panel suggested that unsuccessful applicants:

- be nominated for the Tourism Ready mentoring program by the Tourism Ninja, which is being funded by the State Government under the Silo Art Activation fund, with places available across the Wimmera Mallee Region, and
- are encouraged to apply for any future funding rounds of the State Government's Enabling Tourism Fund

The Assessment Panel has recommended that the Council consider funding \$15,000 to the Blue Duck Distillery in Donald instead of their \$30,000 application. The \$15,000 to be spent on marketing activities in conjunction with a marketing plan they work on with Tania Jacobs the Tourism Ninja. The marketing to be aimed at people that live outside the Shire, try to attract visitors into Buloke. Locals will hear about it from word of mouth and social media. The Distillery can meet the timeframes stipulated in the Tourism Business Innovation Guidelines.

Council to look out for other grants for Brady Farms, Story Towns and the Mallee Barn. Mallee Barn at 5 Mill Street Wyche doesn't require a planning permit. Rodney suggested they get a building surveyor to assist them. A building permit would be required, and it would be worth the proponent doing some research on this to find out what would be required get a barn to meet the Building code requirements for residential use.

Conduct a third round of the Grant, launch end of January 2023. \$15k grant to be awarded in early February 2023.

RELEVANT LAW

There are no relevant law implications.

RELATED COUNCIL DECISIONS

Council awarded round one of this program in June 2022.

OPTIONS

Council could award the grant to another applicant, however this would be against the recommendation of the assessment panel.

SUSTAINABILITY IMPLICATIONS

N/A

COMMUNITY ENGAGEMENT

The program has been advertised widely across the Buloke community.

INNOVATION AND CONTINUOUS IMPROVEMENT

N/A

COLLABORATION

Significant collaboration has occurred on the program including with partner municipalities and the assessment panel.

FINANCIAL VIABILITY

This program has been funded externally by Department of Jobs, Precincts and Regions (DJPR) Tourism Infrastructure Program (Flagship Projects).

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

N/A

COUNCIL PLANS AND POLICIES

This program aligns with the 2021-2025 Council Plan, particularly priority 3, our economy.

TRANSPARENCY OF COUNCIL DECISIONS

This report is being presented in an open Council Meeting.

CONFLICTS OF INTEREST

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

8.2.2 ADVOCACY STRATEGY 2022-23

Author's Title: Director Community Development

Department: Community Development

File No: ED/03/02

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

This report is presented to Council to consider the adoption of an updated Advocacy Strategy 2022-23.

SUMMARY

In line with Council's Long-Term Community Vision and Council Plan and community aspirations, a review and redevelopment of the Advocacy Strategy has been undertaken.

MOTION:

That Council adopt the Advocacy Strategy and review the Strategy within 12 months.

MOVED: CR DAVID POLLARD

SECONDED: CR ALAN GETLEY

CARRIED.
(R120/22)

Attachments: 1 Draft Advocacy Strategy 2022 - 2023

DISCUSSION

The Buloke Shire Council Advocacy Strategy 2022-23 outlines the key advocacy projects Council is currently committed to focusing on and seeking partnerships to implement.

Many of the projects presented reflect some of the challenges faced by Buloke Shire, as one of the geographically largest municipalities, with an ageing and declining population.

It is acknowledged that many rural councils face similar challenges and therefore it is important to recognise that Council cannot, and does not, work alone – but rather aims to work in partnership with the community, service providers and other levels of government to deliver on its vision for the future.

However, the priority projects presented in the Strategy are only some of the issues of Council and the Buloke community therefore work will continue on a number of other priorities as stated in the Council Plan 2021-25 and Long-Term Community Vision and other adopted policies and strategies.

The Advocacy Strategy 2022-23 outlines our top-tier priorities impacting our community right now and follows the same themes identified by Buloke residents in the development of the Buloke 2030 Community Plan.

These strategic themes are:

- Our Built and Natural Environment
- Our Community Wellbeing
- Our Economy
- Our Council and Community Leadership

Many of the priorities in the strategy are infrastructure projects that can be staged. Whilst the strategy highlights the strategic priorities, it doesn't prohibit Council from applying for funding and requesting government support on other initiatives.

Key initiatives include:

- Commonwealth Games Tourism and Social Housing outcomes
- Drainage and flood mitigation
- Annual Funding for roads of strategic importance
- Annual funding for Information and Communication Technology
- Premier sporting facility upgrades including aquatic upgrades
- Grain receival access upgrades
- Construction of a roundabout at the 'five ways' intersection in Birchip

It also calls for the state and federal government policy shifts, particularly around:

- A housing investment incentive package for rural areas
- Increased funding for asset renewal for small rural councils
- Creation of a viable operating model that would guarantee delivery of childcare services over the medium term (five years).
- Full completion of the Murray Basin Rail project

It is recommended that this Advocacy Strategy is to be reviewed and updated in twelve months.

RELEVANT LAW

There are no relevant law implications.

RELATED COUNCIL DECISIONS

Council adopted Advocacy Strategies in May 2020 and September 2021.

OPTIONS

Council could chose not adopt the Advocacy Strategy. It is worth noting that this document can be reviewed at any time.

SUSTAINABILITY IMPLICATIONS

The Strategy includes a priority focussed on enhancing the environmental performance of the broader Buloke community.

COMMUNITY ENGAGEMENT

This Advocacy Strategy has been developed through a review of a large range of strategies, plans and consultation efforts of Council in recent years.

INNOVATION AND CONTINUOUS IMPROVEMENT

Council's Advocacy Strategies have produced extremely positive results from funding providers over the past two years. This document will build on the success of the advocacy efforts of Council in building a better Buloke.

COLLABORATION

This strategy pulls from a range of internal and external strategic documents and the only way for Council to deliver on these community priorities is to do it in partnership with other levels of government, the community and other stakeholders.

FINANCIAL VIABILITY

Like all small rural councils, Buloke is heavily reliant on external funding for the delivery of large-scale capital works projects. Ultimately, one of the key aims of this document is to attract external funding for the delivery of the important projects detailed in this Advocacy Strategy. If funding is received, this will form part of future capital works programs.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

This document will feed into key regional strategic plans, including the Mallee Regional Partnership priorities, State Government's Regional Victorian Commonwealth Games and Regional Development Australia's work on viable childcare servicing.

COUNCIL PLANS AND POLICIES

This Advocacy Strategy has strong alignment with key strategy and policy documents, including the Council Plan, Interim Economic Development and Tourism Strategy, Inclusiveness Plan, Gender Equality Action Plan, Financial Plan, Asset Management Plan, Climate Change Mitigation and Adaptation Plan, Municipal Early Years Plan, Municipal Health and Wellbeing Plan and Community Plans.

TRANSPARENCY OF COUNCIL DECISIONS

This report is being presented in an open Council Meeting.

CONFLICTS OF INTEREST

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

8.2.3 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Author's Title: Director Corporate Services

Department: Works and Technical Services

File No: PE/02/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

To ensure the currency and accuracy of the Instrument of Delegations to the Chief Executive Officer (CEO).

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.

MOTION:

That Council resolve that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, 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 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 instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

MOVED: CR DAVID POLLARD

SECONDED: CR BRONWYN SIMPSON

CARRIED.

(R121/22)

Attachments: 1 S5 Instrument of Delegation from Council to CEO

DISCUSSION

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government it would not be possible for the sector to function

effectively if this was the case. Instead, decision-making power can be delegated to special committees or to members of Council staff. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

Delegations are different from authorisations. The decision of a delegate of Council is deemed to be a decision by Council. The decision by a person appointed by Council to a statutory position, for example, an Authorised Officer, is not. That person's powers and responsibilities are quite distinct from those of Council.

Most statutes impose limitations on the powers which may be delegated. Usually, one of the powers which may not be delegated is the delegation power itself. However, this limitation does not apply in respect of delegation to the CEO. Under Section 11 of the *Local Government Act 2020*:

“(1)(b) The instrument of delegation to the chief executive officer may empower the chief executive officer to delegate any power of the Council other than the power, duty or function specified in subsection (2).”

The Instrument of Delegation to the CEO may therefore empower the CEO to exercise various powers of the Council, subject to limitations and exceptions specified in the instrument but including the power to delegate powers to Council officers.

In this instance the Instrument of Delegation to the CEO has been updated to include a limitation of expenditure, excluding contracts or expenditure which Council is required to make by or under legislation. Best practice governance procedures suggest delegations and should be reviewed and adopted on at least an annual basis.

This report sets out the following proposed document Instrument of Delegation to the Chief Executive Officer (S5).

RELEVANT LAW

Section 11 of the *Local Government Act 2020* provide the Power for Council to delegate a power, duty or function to the CEO, subject to specific limitations specified in this section of the Act.

RELATED COUNCIL DECISIONS

The Instrument of Delegation to the CEO was adopted by Council on 8 September 2021.

OPTIONS

Council may decide not it adopt the instrument whereby every decision will need to be adopted by Council except powers, duties, or functions that are invested in CEO by the *Local Government Act 2020*, and any other Act that directly provides these powers to the CEO.

Council may also decide to include any other exception or limitation to the Instrument of Delegation to the CEO.

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 Register of Delegations will be made available on Council's website when adopted.

CONFLICTS OF INTEREST

There are no conflicts of interest.

8.3 FINANCIAL REPORTS

8.3.1 FINANCIAL AND PERFORMANCE STATEMENTS

Author's Title: Manager Finance

Department: Office of the CEO

File No: FM/02/09

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

The purpose of this report is to have the Council approve, in principle, the Financial Statements and Performance Statement (Statements) for the 2021-22 financial year and to authorise two (2) Councillors to sign the final form statements on behalf of the Council.

SUMMARY

The preparation of Statements is a legislative requirement.

It is now appropriate for Council to approve the Statements in principle and authorise two (2) Councillors to sign the final Statements.

MOTION:

That Council:

1. Approves in principle the Financial Statements and Performance Statement for the 2021-22 Financial Year;
2. Authorises the Mayor, Cr. Warren, to approve last minute changes on an immaterial nature on the advice of Council's External Auditor; and
3. Authorises the Mayor, Cr. Warren, and the Deputy Mayor, Cr. Getley, to sign the final form Financial Statements and Performance Statement on behalf of, and with full authority of, the Council.

MOVED: CR BRONWYN SIMPSON

SECONDED: CR ALAN GETLEY

CARRIED.

(R122/22)

Attachments: 1 Draft Financial Statements 2021-2022
2 Draft Performance Statements 2021- 2022

DISCUSSION

Under Section 98 of the *Local Government Act 2020* a council must in respect of each financial year, prepare an Annual Report that includes audited Statements for the financial year. These Statements must be prepared in the prescribed manner and form and be certified by the Auditor General.

This year the Victorian Auditor General's Office agents Crowe acted as Council's auditors. The Statements have been reviewed by the Victorian Auditor General's Office.

Council is required to approve, in principle, the Statements prior to receiving certification from the Auditor General. The Council must also authorise two (2) Councillors to certify the Statements in their final form; historically the Mayor and the Deputy Mayor.

RELEVANT LAW

The Statements have been prepared in accordance with Australian Accounting Standards and Interpretations, the *Local Government Act 2020* and the Regulations.

Council's Statements must be audited to meet the requirements as set out under the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

Not applicable to this report.

OPTIONS

Not applicable to this report.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Community consultation was not required in the preparation of the Statements. However, the Statements will be made available as public documents following the Auditor-General's approval. The Statements will form part of the Council meeting minutes and will be published in Council's Annual Report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

The Statements are a report back to the community on Council's performance against the adopted 2021-22 Annual Budget, along with performance against measures and targets for Key Strategic Activities specified in the 2021-22 Annual Budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

The Statements are a report back to the community on Council's performance against the performance against measures and targets for Key Strategic Activities specified in the 2021-22 Annual Budget.

TRANSPARENCY OF COUNCIL DECISIONS

The availability of Council's audited financial and performance reporting to the community essential for ensuring transparency and accountability to the community and other levels of government.

CONFLICTS OF INTEREST

In providing this advice to the Council as the Manager Finance, I, Aileen Douglas, have no interests to disclose in this report.

8.4 ORGANISATIONAL REPORTS

Nil

8.5 REPORTS FROM COUNCILLORS

Cr Daryl Warren – Mayor – Mount Jeffcott Ward

15/9/22	ABC Radio Interview Birchip Civic Centre PCG Meeting
16/9/22	MAV State Council Melbourne
19/9/22	Birchip Forum Meeting
20/9/22	Audit And Risk Committee Meeting Wycheproof
21/9/22	CEO/Mayor Catchup Councillor Briefing Nullawil
22/9/22	Lions Club Birthday Meeting Donald
26/9/22	Flood Meeting Preparation Meeting Charlton
27/9/22	CEO/Mayor Catchup
28/9/22	Donald 2000 Meeting
7/9/22	CEO/Mayor Catch Up
29/9/22	Sea Lake Visitor Centre Volunteer Duty
2/10/22	Yeungroon CFA/War Memorial Event
4/10/22	CEO/Mayor Catchup
5/10/22	Councillor Briefing Birchip
7/10/22	Donald Show Opening
8/10/22	ABC Radio Ballarat Interview
9/10/22	ABC Shepparton Radio Interview
10/10/22	FLOW FM Radio Interview
11/10/22	Donald Streetscape PCG Meeting
12/10/22	ABC National Radio Interview Council Meeting Wycheproof

9. OTHER BUSINESS

9.1 NOTICES OF MOTION

Nil

9.2 QUESTIONS FROM COUNCILLORS

9.2.1 CR MILNE – RURAL LAND USE

Cr Milne asked for an update on the Rural Land Use Campaign and where this was at.

The Chief Executive Officer responded to advise that there will be an update provided to Councillors on the Rural Land Use Campaign at a Briefing, which will most likely be the first Briefing in December 2022.

9.3 URGENT BUSINESS

Nil

9.4 ANY OTHER BUSINESS

Nil

9.1 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:

- 9.1.1 CONTRACT115 2021/22 LOCAL ROADS RECONSTRUCTION (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

MOVED: CR GRAEME MILNE

SECONDED: CR ALAN GETLEY

**CARRIED.
(R123/22)**

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 ALAN GETLEY

SECONDED: CR GRAEME MILNE

**CARRIED.
(R125/22)**

10. MEETING CLOSE

Meeting closed at 7.59pm.