



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

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**TO BE HELD:** Monday, 18 October 2021

**LOCATION:** Microsoft Teams

**COMMENCEMENT:** 2.00pm

**PUBLIC ACCESS:** Recording will be loaded to website post meeting

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REQUIRED TO ATTEND:	
Councillors	Senior Management Group
Bruce Meyer OAM, Mayor	David Bezuidenhout
Jodie Pretlove, Deputy Mayor	Chief Executive Officer (CEO)
Trevor Domaschenz	Vin McKay
Tim Meyer	Director Corporate & Community Services
Tom Houlihan	(DCCS)

*The West Wimmera Shire Council Governance Rules  
set out the meeting procedure rules for this Council Meeting.*

*Members of the public are reminded that they are required to remain silent  
during this meeting, except during Section 4.0 Questions from the Gallery.*

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***Vision Statement:***

*Our Wimmera Shire communities are healthy, thriving, diverse, harmonious,  
prosperous and self-sustaining, with regional and global connectivity*



## **COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL**

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## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

#### ACKNOWLEDGEMENT:

The West Wimmera Shire Council acknowledges the traditional custodians of the land on which we meet, and pays respect to their elders, past, present and emerging.

#### OFFICER RECOMMENDATION:

That in view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian and Victorian Governments, public access to this meeting be limited to a recording available post meeting via Council's website.

### 2.0 OPENING PRAYER

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire. Amen.

### 3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

#### 3.1 APOLOGIES

#### 3.2 LEAVE OF ABSENCE

#### 3.3 DECLARATION OF CONFLICT OF INTEREST

*All Councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 2020 with regard to Conflict of Interest disclosures.*



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### 4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

#### 4.1 WRITTEN QUESTIONS ON NOTICE

*Governance Rules – Division 8 Section 53:*

*53.4 Questions submitted to Council can be submitted as follows:*

*53.4.1 In writing, stating the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and*

*53.4.2 Placed in the receptacle designated for the purpose at the place of the meeting at least two hours prior to the Council meeting, or be lodged electronically at the prescribed email address at least two hours prior to the Council meeting.*

*53.5 No person may submit more than two questions at any one meeting.*

The Question on Notice template is available from the Edenhope and Kaniva Council Offices, and from Council's website.

Written Questions on Notice submitted to Council no later than the deadline of 5:00pm on the Monday in the previous week to the relevant Council Meeting, will be included in the Agenda.

Written Questions on Notice submitted subsequent to that deadline can be lodged electronically to [govmanager@westwimmera.vic.gov.au](mailto:govmanager@westwimmera.vic.gov.au), no later than two hours prior to the Council Meeting.

### RECOMMENDATION:

**That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.**



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### 4.2 VERBAL QUESTIONS WITHOUT NOTICE

*Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, following the removal of standing orders and when prompted by the Mayor (Governance Rules Division 8 S53.4.3)*

*Members of the Gallery providing verbal questions without notice at a Council Meeting must state their name, to be recorded in the minutes (Governance Rules Division 8 S53.4.4)*

*No person may submit more than two questions at any one meeting (Governance Rules Division 8 S53.5)*

### RECOMMENDATION:

**That Council resume Standing Orders.**



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### **5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS PROVIDED BY COUNCILLORS TO GOVERNANCE SUPPORT OFFICER PRIOR TO AGENDA BEING ISSUED**

#### **5.1 COUNCILLOR BRUCE MEYER OAM (MAYOR)**

17/09/2021	Wimmera Regional Library Board Meeting
17/09/2021	Wimmera Southern Mallee Media & Council Liaison Meeting
23/09/2021	Cemetery Trust Meeting
28/09/2021	Audit and Risk Committee Meeting
29/09/2021	Council Meeting
05/10/2021	Workforce Plan Meeting
06/10/2021	Councillor Forum
14/10/2021	Victorian Local Government Grants Commission Meeting
15/10/2021	Wimmera Regional Library Board Meeting
15/10/2021	Wimmera Southern Mallee Media & Council Liaison Meeting
18/10/2021	Council Meeting

#### **5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)**

17/09/2021	Wimmera Southern Mallee Regional Transport Group Meeting
23/09/2021	Cemetery Trust Meeting
28/09/2021	Audit and Risk Committee Meeting
29/09/2021	Council Meeting
05/10/2021	Workforce Plan Meeting
06/10/2021	Councillor Forum
14/10/2021	Victorian Local Government Grants Commission Meeting
18/10/2021	Wimmera PCP Committee Management Meeting
18/10/2021	Council Meeting

#### **5.3 COUNCILLOR TREVOR DOMASCHENZ**

23/09/2021	Cemetery Trust Meeting
29/09/2021	Council Meeting
05/10/2021	Workforce Plan Meeting
06/10/2021	Councillor Forum
12/10/2021	Wimmera Development Association
14/10/2021	Victorian Local Government Grants Commission Meeting
18/10/2021	Council Meeting



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### **5.4 COUNCILLOR TIM MEYER**

23/09/2021	Cemetery Trust Meeting
29/09/2021	Council Meeting
05/10/2021	Workforce Plan Meeting
06/10/2021	Councillor Forum
08/10/2021	Western Highway Action Committee Meeting
14/10/2021	Victorian Local Government Grants Commission Meeting
18/10/2021	Council Meeting
18/10/2021	Project Control Group – Goroke Recreation Reserve

### **5.5 COUNCILLOR TOM HOULIHAN**

29/09/2021	Council Meeting
05/10/2021	Workforce Plan Meeting
06/10/2021	Councillor Forum
14/10/2021	Victorian Local Government Grants Commission Meeting
18/10/2021	Council Meeting

### **5.6 GENERAL DELEGATES' REPORTS**

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates' reports.

## **6.0 CONDOLENCES**





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### **7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 15 SEPTEMBER 2021 and 29 SEPTEMBER 2021**

#### **RECOMMENDATION:**

**That the Minutes of the Council Meeting held on Wednesday, 15 September 2021 be taken as an accurate record and confirmed.**

**That the Minutes of the Council Meeting held on Wednesday, 29 September 2021 be taken as an accurate record and confirmed.**

### **8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

### **9.0 NOTICES OF MOTION**

### **10.0 COUNCILLOR FORUM RECORD – 6 OCTOBER 2021**

#### **RECOMMENDATION:**

**That the Record for the Councillor Forum held Wednesday, 6 October 2021 be received and noted.**

### **11.0 DEPUTATIONS AND PETITIONS**



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### 12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

#### 12.1 S11A APPOINTMENT OF AUTHORISED OFFICERS PURSUANT TO THE PLANNING AND ENVIRONMENT ACT 1987 – STATUTORY PLANNING

**FILE NUMBER: AD0183**

**REPORT AUTHOR: KADDIE COTHER, GOVERNANCE COORDINATOR**

#### **FOR DECISION**

##### Introduction

The purpose of this report is to recommend that Council approve a new *Instrument of Authorisation* to two staff members.

##### Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

##### Background

Section 224 of the *Local Government Act 1989* and numerous other Acts and Regulations require that authorised officers (Council staff or the staff of contractors) be appointed for the purposes of the administration and enforcement of any Acts, Regulations or local laws which relate to the functions and powers of the Council.

Authorisations are reviewed regularly and are updated due to:

- a) appointment of new staff;
- b) changes in the names of Acts;
- c) the introduction, amendment or revocation of legislation;
- d) changes in position titles; and
- e) changes in roles.



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In most cases, the authorisations are approved by the Chief Executive Officer, but the *Planning and Environment Act 1987* specifically requires that authorisations under that Act be issued by resolution of the Council and sealed.

### Risk Management Implications

Ensuring that the Authorised Officer status of officers undertaking statutory compliance and approval functions, reduces the risk of facing litigation due to inappropriate advice.

### Legislative Implications

The proposed authorisations comply with the requirements of the

- a) the *Local Government Act 1989*;
- b) the *Local Government Act 2020*; and
- c) the *Planning & Environment Act 1987*.

### Asset Management Implications

Nil.

### Environmental Implications

Nil.

### Financial and Budgetary Implications

Nil.

### Policy and Strategy Implications

The appointment of authorised officers is a statutory requirement and not a policy matter

### Council Plan Implications

This report supports the following section/s of the Council Plan 2017-2021:



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- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

### Communication Implications

This report and associated attachment are administrative tasks that do not require public communication and the staff concerned will be formally advised of their new authorisations.

### Gender Equality

Not applicable

### Conclusion

Appointing authorised officers is periodically required due to the statutory requirements of specific tasks and obligations to be undertaken.

### **OFFICER RECOMMENDATION:**

**That Council resolves that:**

1. **The members of Council staff referred to in the attached Instrument of Authorisation be appointed and authorised as set out in the instrument;**
2. **The Instrument of Authorisation comes into force immediately when the common seal of Council is affixed and remains in force until Council determines to vary or revoke it; and**
3. **The Instrument of Authorisation be signed and sealed.**

### **Attachments:**

No.	Name	RecFind Ref
C2	S11A Delegations	AD0183



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### **13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS**

#### **13.1 PLANNING APPLICATION PA1042 FOR THE USE AND DEVELOPMENT OF LAND FOR A DWELLING AT BOWLES ROAD, CHARAM**

**FILE NUMBER:**

**REPORT AUTHOR: DAVID PIETSCH, MANAGER PLANNING AND  
ENVIRONMENT**

**FOR DECISION**

##### Introduction

The following report presents Planning Application PA1042 for the use and development of land for a dwelling at Bowles Road in Charam.

This planning application is being presented to Council for consideration as an objection has been received to the proposal from the adjoining property owner.

##### Declaration of Interests

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

##### Background

Council has received a planning application for the use and development of a (relocatable) dwelling to be used in conjunction with the agricultural activities currently occurring on the subject land.

The proposed dwelling is 15 metres by 8 metres in area and will be clad in weatherboards and have a corrugated iron roof. The external cladding of the dwelling will not be highly reflective. The building will be single storey in height.

The dwelling is proposed to be setback 21 metres from the south western property boundary and approximately 570 metres south east of the north western boundary which abuts the Wimmera Highway.



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The dwelling is proposed to be located approximately 1.3 kilometres from the entrance to the property and will utilise the existing driveway which currently serves the many outbuildings and other infrastructure on the property. Electricity infrastructure is also currently provided within vicinity of the development site.

### Subject land

The subject land is formally known as Lot 1 and Lot 2 on TP32686B Bowles Road, Charam. The land is currently used for agricultural purposes including cropping and grazing. The land comprises two parcels as shown below.



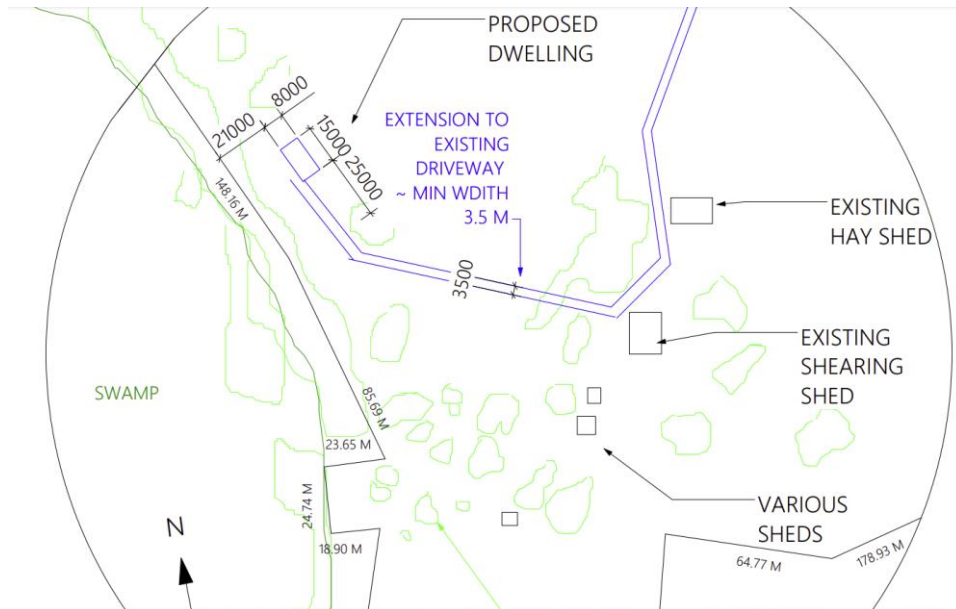
*Image from West Wimmera Community Map (7 April, 2021)*

Surrounding land is also primarily used for agricultural uses including cropping and grazing and some forested areas exist.

A site plan showing the proposed location of the dwelling is shown below.



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### Public Notice

The application was advertised pursuant to Section 52 of the Planning and Environment Act (1987). One written objection was received from the owner of the neighbouring property to the south/west of the development site. A copy of the objection is provided as an attachment to this report.

The issues identified within the objection received include:

- The close proximity of the dwelling to the natural lake; with significant concerns for its complicated biodiverse ecosystems.
- The impact the development would have on the owner's enjoyment of the eastern beach of the lake.
- Possibility that a new dwelling will result in an expanded/increased operation intensifying the impact of the development on the lake.
- The lake provides an environmentally significant habitat for frogs, native fauna and endangered species such as the Red Tailed Black Cockatoo. A greater buffer distance should be provided to protect these environmental values.
- Not opposed to the construction of a dwelling on the property - just the siting of the building within 100 metres of the waterway (lake).
- Visual impact of proposed development.

### Planning controls

The subject land is situated within a Farming Zone (FZ) pursuant to Clause 35.07 of the West Wimmera Planning Scheme. The purpose of the Farming Zone include:



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- To provide for the use of land for agriculture
- To encourage the retention of productive agricultural land
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

A planning permit is required for the use of land for a dwelling as the land has an area of less than 80 hectares.

A planning permit is required for buildings and works associated with a Section 2 use.

A planning permit is required for buildings and works within 100 metres of a watercourse or designated floodplain.

Clause 35.07-6 of the planning scheme outlines the decision guidelines for the Farming Zone which include:

- General issues
- Agricultural issues and the impact from non-agricultural uses
- Dwelling issues
- Environmental issues
- Design and siting issues

The subject land is also situated within an Environmental Significance Overlay – Schedule 2. (ESO2) The purpose of the ESO2 include:

- To identify areas where the development of land may be affected by environmental constraints
- To ensure that development is compatible with identified environmental values.

Given no vegetation is proposed to be removed as part of this application, the proposal will not impact on the Red-Tailed Black Cockatoo habitat which this overlay seeks to protect.

### Assessment

The proposed use and development of a dwelling on the site will generally comply with the relevant policies of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) for the following reasons:

- The proposed dwelling will be used in conjunction with an agricultural use of the two subject lots.
- The proposed development site has been chosen so not to impact on the productive agricultural use of the land.





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- The proposed dwelling will be designed, sited and constructed to minimise any potential fire risk being located outside of the Bushfire Management Overlay (BMO).

### **Farming Zone**

The proposed dwelling has been assessed against the relevant decision guidelines of the Farming Zone. On balance, the proposal generally complies with the Farming Zone for the following reasons:

#### **General issues**

- The proposal will generally comply with the MPS and PPF.
- The subject land can accommodate the proposed use and development. The disposal of effluent requires a septic tank permit and an approved septic disposal system is to be designed and installed before the dwelling is occupied in accordance with the Septic Tank Code of Practice.
- The dwelling will not affect sustainable land management and will assist to increase the productive capacity on the land for agricultural purposes.
- The proposed dwelling will be connected to the required infrastructure and services.

#### **Agricultural issues and the impacts from non-agricultural uses**

- The proposed dwelling is expected to support and enhance agricultural production and allow for increased productivity on the land for animal grazing, cropping and other associated agricultural activities.
- The proposal is unlikely to adversely affect soil quality.
- The siting of the proposed building is considered to be located an adequate distance from the property boundary and the adjacent lake. The dwelling is not expected to impact on the environmental values of the lake.

#### **Dwelling issues**

- The proposed dwelling will not result in the loss of productive agricultural land.
- The proposed dwelling will be located 30 metres from the nearest property boundary (and approximately 45 metres from the high water mark of the lake).

#### **Environmental issues**

- The proposal is unlikely to impact on the natural physical features and resources of the area, including soil and water quality and the adjacent lake to the west.



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- The proposal is unlikely to result in the loss of flora and fauna on the site and will not adversely impact on the biodiversity of the area. The proposed dwelling has been sited to avoid the removal of any vegetation.
- The proposed dwelling will require an on-site wastewater management system to be constructed. The permit holder/owner will need to submit a detailed design of this septic system to Council that complies with Council standards and the EPA Code of Practice for On-site Wastewater Management. This will assist to minimise the impact of nutrient loads within the vicinity of the lake. Conditions required by Council's Environmental Health Officer will be included on any permit.
- It is noted that no Cultural Heritage Management Plan (CHMP) is required for the construction of a single dwelling under the Cultural Heritage Act (2017).

### Design and siting issues

- The siting of the proposed dwelling is considered to provide an adequate setback from the adjoining boundary line to allow the planting of indigenous trees and shrubs to help screen the development from the adjoining property.
- The siting, design, height, bulk and materials to be used for the dwelling are unlikely to impact on the natural environment, roads, vistas and the adjacent lake. The external colours of the building will be subdued tones and colours to minimise any adverse visual impacts. The dwelling will be single storey in height.
- The existing vehicle crossover from the Wimmera Highway will provide all-weather access to the proposed dwelling and the existing farm buildings. Drainage will need to be contained on site. Potable water, telecommunications and wastewater facilities will need to comply with the relevant regulations.
- The siting will allow for septic tank installation in accordance with the relevant legislation.

An on-site meeting was held with the applicant to discuss the siting of the dwelling and the concerns raised by the owner of the neighbouring property.

The applicant is willing to move the dwelling a further 9 metres away from the boundary line to create more of a buffer. (21 metre setback to 30 metre setback). The applicant explained that he could not move the dwelling any further away from the boundary due to the topography of the land (the area in front of the dwelling is low and becomes very boggy during wet weather). In addition, moving the dwelling even further away from the boundary would site the dwelling within a productive cropping area.

The applicant also agreed to plant native trees and shrubs along the boundary line to lessen the visual impact of the dwelling when viewed from the objector's property. This landscaping is expected to assist in creating a visual buffer between the proposed dwelling and the lake.



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The proposed siting of the dwelling (now being 30 metres from the property boundary and approximately 45 metres from the high water level of the lake) is considered appropriate for the following reasons:

- The dwelling is sited close to existing infrastructure, including bore water and electricity supply.
- The dwelling will be accessed via the existing formed driveway.
- The dwelling does not require the removal of any vegetation.
- There is adequate room to install a septic tank in accordance with the Septic Tank Code of Practice.
- The proposed siting of the dwelling will allow room for the planting of indigenous trees and shrubs to help screen the development from the neighbouring property and to improve the environmental and habitat value of the site.
- The proposed dwelling is required for the on-going maintenance of the farming enterprise.
- The colours and materials proposed to be used are subdued in toning and therefore are not expected to have a significant impact on the visual amenity of the area.
- It is considered that by siting the dwelling in proximity of the boundary will ensure that it will not adversely affect the use of the land for agriculture as it is located in a non-productive area of the property, outside of cropping areas.
- It is noted that the proposed dwelling is situated in proximity to a previous dwelling that historically occupied the site.
- The dwelling will be occupied by the farming operator and therefore will be associated with, and support, the existing farming operation. Currently, the operators do not reside on the site and have to maintain the property from Mt Gambier which is unsustainable.
- It is not expected that the proposed development will impact adversely on the flora or fauna of the site or its surrounds. The dwelling is proposed to be sited in an already cleared area of land outside of the productive cropping area. It is situated amongst mature native vegetation.
- The dwelling is to be sited outside of the productive cropping area and outside of an adjacent drainage line. Should the dwelling be relocated to 100 metres from the waterway, it would be sited within productive agricultural land (cropping) which is considered contrary to the purpose of the Farming Zone.



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**Proposed location of dwelling in relation to boundary line fence (white markers indicate siting of proposed dwelling)**



**Location of objector's dwelling when viewed from development site**





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**Location of proposed dwelling site when viewed from objector's property**

### Risk Management Implications

Council is the responsible authority for the administration of the Planning and Environment Act (1987). The assessment of this application is conducted by Council officers in accordance with this legislation.

### Legislative Implications

Planning and Environment Act (1987)

Cultural Heritage Act (2017)

Gender Equality Act (2020)

### Environmental Implications

The application was referred to the West Wimmera Catchment Management Authority (WCMA) for advice as the proposed dwelling is to be situated within 100 metres of a waterway. No objections were received to the proposal.

### Financial and Budgetary Implications

The operation of Council's regulatory planning and building services are conducted within the adopted 2021 – 2022 Council budget.



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### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Community Engagement Policy  
Customer Service Policy

### Council Plan Implications

This report supports the following sections of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.

### Communication Implications

The application was advertised by mail to surrounding property owners and occupiers. A sign was also displayed on the site. One written objection was received. The issues identified within the objection have been summarised above.

### Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act 2020.

### Conclusion

It is considered that the proposed dwelling is consistent with the provisions of the West Wimmera Planning Scheme, and in particular, the purpose of the Farming Zone. It is considered reasonable that a dwelling is required on the subject land so that the farming operations can be managed in a more efficient and sustainable manner.

It is also considered that the concerns raised by the owner of the neighbouring property can be adequately addressed by:

- Ensuring that the wastewater from the dwelling is treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act (1970).



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- Ensuring that an adequate buffer of indigenous landscaping be planted to ensure an effective visual screen between the development site and the property boundary.
- The proposed dwelling being sited a further 9 metres from the western property boundary to lessen its impact due to the topography of the land and to allow sufficient room for landscaping.

Given the above, it is recommended that Council approve Planning Application PA1042 in accordance with the conditions outlined below:

### **OFFICER RECOMMENDATION:**

**That Council resolves to issue a Notice of Decision to Issue a Planning Permit for the use and development of land for a Dwelling at Bowles Road, Charam in accordance with the following conditions:**

### **Conditions:**

#### **Amended plans**

1. Prior to the commencement of the development, amended plans must be submitted to Council showing:
  - a) Site plan showing a building setback distance of 30 metres from the western boundary.
  - b) A landscaping plan in accordance with Condition 3.
  - c) Elevation Plans of the proposed dwelling showing the building to be single storey in height.

#### **Endorsed Plans/Documents**

2. The approved use and development must be in accordance with the endorsed plans which form part of this permit and must not be altered or modified without the consent in writing of the Responsible Authority.

#### **Landscape Plan**

3. Before the commencement of the development, a landscape plan must be submitted and approved by the responsible authority. The landscape plan must show the planting of indigenous trees and shrubs to create an effective visual screen to the neighbouring property to the west. The landscaping must be maintained and/or replaced as necessary to the satisfaction of the responsible authority.



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### **General Requirements**

4. The external materials finishes and colours for the approved dwelling must be subdued and non-reflective tones to blend in with the rural character of the area to the satisfaction of the Responsible Authority.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

### **Use**

6. The wastewater from the dwelling must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*. In this regard, the wastewater system must be designed, approved and constructed in accordance with the EPA Code of Practice for On-site Wastewater Management, Publication 891.4, July 2016, or a relevant alternative.
7. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
8. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

### **Access**

9. Vehicle access to the approved dwelling must be via the existing driveway from the Wimmera Highway to the satisfaction of the Responsible Authority.

### **Engineering**

10. Stormwater drainage from the approved dwelling must be disposed of on site to the satisfaction of the Responsible Authority.

### **Environmental Health**

11. Before the commencement of the development approved by this permit, the applicant or owner of the land must submit an 'Application to Install a Septic Tank System' to Council's Health Services Unit in order to obtain a permit to install a septic tank system.
12. An approved septic disposal system must be installed concurrently with the erection of the dwelling and all waste must be disposed of within the curtilage of the property





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in accordance with the approved land capability assessment report, to the satisfaction of the Responsible Authority.

### **Permit Expiry – Use and Development**

13. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two years of the date of this permit.
  - b) The development is not completed, and the use is not commenced within four years of the date of this permit.
  - c) The use is not commenced within 4 years of the date of this permit.
- The responsible authority may extend the permit if a request is made in writing prior to expiry of the permit or within six months afterwards.

#### Note:

- A Building Permit is required for the Dwelling before any construction can commence.

#### **Attachments:**

No.	Name	RecFind Ref



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### **14.0 CORPORATE AND COMMUNITY SERVICES**

#### **14.1 WEST WIMMERA SHIRE COUNCIL COMMUNITY VISION, COUNCIL PLAN AND LONG-TERM FINANCIAL PLAN**

**FILE NUMBER: AD0189**

**REPORT AUTHOR: SARAH ELLIS, MANAGR PERFORMANCE AND  
DEVELOPMENT**

**FOR DECISION**

#### Introduction

West Wimmera Shire Council (Council) is required under the Local Government Act 2020 to have in place by October 31<sup>st</sup>, 2021, a Community Vision, 4-year Council Plan (including the Health and Wellbeing Plan) and Long-Term Financial Plan. Development of these documents started in March 2021 and in August Council resolved to approve the documents for public exhibition, which has now been completed.

#### Declaration of Interests

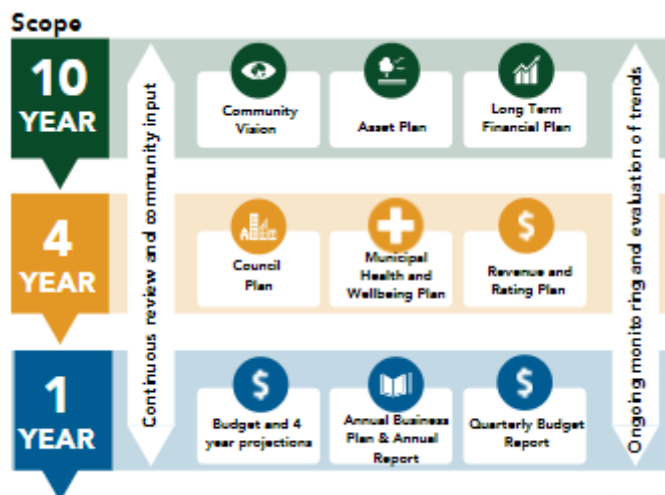
No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

#### Background

Council's planning framework comprises the various plans that guide Council's work and decision making and connects the long-term community needs and aspirations. The Community Vision, 4-year Council Plan (including the Health and Wellbeing Plan) and Long-Term Financial Plan are the key documents of the planning framework.



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL



**The Community Vision** describes the community's main priorities and aspirations over the next 20 years.

**The Long-Term Financial Plan** defines the broad financial framework for Council over the next ten years. Assumptions underpinning the Plan are transparent and the decisions that need to be made to resource the services and capital works outlined in the Council Plan are made clear.

**The Council Plan, incorporating the Municipal Health and Wellbeing Plan (MHWP)** is a key medium-term strategic plan that describes the strategic objectives, actions to achieve the objectives, indicators for measuring progress and the resources required to implement the plan for at least four years.

To support the delivery of these plans, Council will each year prepare an Annual Business Plan and Annual Budget which will form the basis of our performance reporting. Quarterly progress reports will be provided to Council alongside our financial reports.

To prepare the Community Vision, Council Plan and Long-Term Financial Plan, Council has undertaken an extensive and integrated engagement process. The Local Government Act 2020 requires Council to develop or review the Community Vision, Council Plan, Financial Plan, and an Asset Plan in accordance with its Community Engagement Policy. Council adopted a Community Engagement Policy on 17 February 2021 which sets out how Council will involve the community in making decisions and planning for the future.

The engagement process included listening posts, a community survey and community panel which received input from over 500 West Wimmera residents and ratepayer and the



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

feedback received has been used to shape the documents. At its August Meeting, Council resolved to put these key documents on public exhibition from Monday 30th August until Monday 20th September. Feedback was received from two members of the public and this feedback was discussed and considered at the October Councillor Forum, with no changes required to the plan at this stage.

Subsequent to the discussion at the October Councillor Forum, initiative 4.4.11 has been included to recognise the finding from Council's internal records management audit in February 2020 conducted by RSD.

*4.4.11 - Review and implement a records management system, strategy and policy that ensures good organisational governance*

Council has requested and received approval from the Department of Health for the exemption, under Section 27 of the Public Health and Wellbeing Act 2008, to allow the Municipal Public Health and Wellbeing Plan to be incorporated into the Council Plan.

The Final step in the process to fulfill Council's statutory obligations is for Council to adopt the documents at the October Council Meeting.

### Risk Management Implications

These are strategic documents for the organisation and ensure that Council meets its statutory requirements and ensures good governance of the organisation.

### Legislative Implications

By completing these 3 three documents Council enables compliance with a range of statutory obligations under multiple acts and regulations.

Local Government Act 2020:

- Section 88 – Community Vision
- Section 90 – Council Plan
- Section 91– Long Term Financial Plan

Municipal Public Health and Wellbeing Act 2008:

- Section 26– Prepare Health and Wellbeing Plan
- Section 27 – Inclusion of the Health and Wellbeing plan in Council Plan

Under section 55(d) of the *Local Government Act 2020* (the Act), Council is required to apply its Community Engagement Policy to the Annual Budget Development.



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### Environmental Implications

Completion of the Council Plan provides a focus for various environmental initiatives over the next four years.

### Financial and Budgetary Implications

The Council Plan informs all budgetary decisions that will be taken over the four year period.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Advocacy Policy  
Asset Capitalisation Policy  
Asset Management Policy  
Borrowings Policy  
Communications Policy  
Community Engagement Policy  
Fraud & Corruption Control Policy  
Investment Policy  
Procurement Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.



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- Strategic Objective 7: Providing access to and promoting the natural environment.

### Communication Implications

Once the documents are adopted at the October Council meeting, they will be published on Council's website and hard copies will be made available at the Council Offices. A copy of the Council Plan will also be distributed to the Department of Health.

### Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

### Conclusion

Council has prepared the draft Community Vision, Council Plan 2021-2025 and Long-Term Financial Plan in accordance with the Local Government Act 2020. The documents are required to be adopted by 31 October 2021.

### **OFFICER RECOMMENDATION:**

#### **That Council:**

- 1. Adopts the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision pursuant to the Local Government Act 2020 and Public Health and Wellbeing Act 2008**
- 2. Adopts the Long Term Financial Plan pursuant to the Local Government Act 2020**
- 3. Gives public notice of the adoption of the Council Plan 2021-2025, incorporating the Health and Wellbeing Plan, and Community Vision and the Long Term Financial Plan and makes them available for public inspection on Council's website and at Council Customer Service Centres.**



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### Attachments:

No.	Name	RecFind Ref
1	Community Vision 2021-2041	AD0189
2	WWSC Council Plan 2021-2025	AD0189
3	WWSC Long Term Financial Plan	AD0189



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### **14.2 WEST WIMMERA SHIRE TOURISM ADVISORY COMMITTEE TERMS OF REFERENCE**

**FILE NUMBER: ED0012**

**REPORT AUTHOR: SARAH ELLIS, MANAGER PERFORMANCE AND  
DEVELOPMENT**

**FOR DECISION**

#### Introduction

In December 2020 Council established the West Wimmera Shire Tourism Advisory Committee. The Committee is an advisory committee of Council and accordingly a Draft Terms of Reference was developed to accurately define the roles and responsibilities of the Committee.

In accordance with Councillor discussion at the June Forum, the West Wimmera Shire Tourism Advisory Committee reviewed their Draft Terms of Reference at their July meeting. Following advice from the West Wimmera Shire Tourism Advisory Committee this report recommends that Council considers the adoption of the revised Draft Terms of Reference.

#### Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

#### Background

At the Council meeting on 6 November 2020 Council moved:





## **COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL**

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Jodie Pretlove

**That:**

1. Council calls for Expressions of Interest from members of the community to join the West Wimmera Shire Tourism Advisory Committee for a term of two years.
2. The term of appointment for the selected community members conclude on 31 October 2022, and thereafter such appointments be for a term of two years.
3. Membership of the Committee includes residents from Harrow, Dergholm, Edenhope, Apsley, Goroke, Kaniva, Serviceton and Districts, provided there is interest expressed from residents in these locations.
4. Business owners as well as community members be encouraged to apply.
5. The Advisory Committee comprises a maximum of 11 business and community members.
6. That Expressions of Interest be called for as soon as possible.

**Carried (5/0)**

Expressions of interest for appointment to this committee closed on 13 December 2020. Expressions of interest were received from 15 people along with two organisations which indicated that they would each like two named representatives on the committee. The names of these 19 potential community representatives for the West Wimmera Tourism Advisory Committee were presented to a confidential meeting of Council held on 16 December 2020.

At that meeting, Council resolved as follows:

**Moved:** Cr Trevor Domaschenz

**Seconded:** Cr Jodie Pretlove

1. That Council appoints all nineteen community members to the West Wimmera Tourism Advisory Committee until the 31<sup>st</sup> of October 2022, subject to acceptance
2. That the first meeting of the reformed West Wimmera Tourism Advisory Committee is scheduled for February 2021 with meeting times to be determined in conjunction with the shire.

**Carried (5/0)**



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

The Committee was established without a Terms of Reference. However, at the first meeting of the Committee held on Tuesday 16 March 2021 it discussed the matter of a Terms of Reference and considered the Terms of Reference of the former Council tourism committee.

The draft West Wimmera Tourism Advisory Committee Terms of Reference has been developed using the Terms of Reference of the former Council tourism committee as a starting point.

Council reviewed the first version of this Terms of Reference at the May 2021 Councillor Forum and requested several changes which have been incorporated into this version. Those changes included:

- Amending the quorum to a minimum of eight voting members
- Meetings to be held quarterly
- Voting members unable to attend a meeting can nominate a proxy to attend in their place but the proxy is a non-voting member
- Members must attend three out of four meetings
- Special Meetings can be held and sub-committees created as required.

Following the Councillor Forum 2 June, the draft terms of reference were taken to the Tourism Committee meeting on 27<sup>th</sup> July 2021, the Committee was satisfied with all the updates to the Draft Terms of Reference with the exception of the frequency of meetings. At that meeting it was decided to hold a vote over email so that all members had the opportunity to vote as not all members were able to attend the meeting. Seventeen email votes were received, one verbal vote and one non-response. The results were 11 votes for quarterly with special meeting as required and 7 for bi-monthly meetings. Consequently, this report recommends inclusion of “quarterly meetings” into the document.

A copy of the revised Terms of Reference is attached. (**Appendix A**)

### Risk Management Implications

If Council does not provide adequate guidance to the Committee of its roles and responsibilities, then there is a risk that the Committee may act in a manner that is beyond that which Council had envisaged when it established the Committee.

### Legislative Implications

The West Wimmera Tourism Advisory Committee is a delegated committee of Council established under Section 63 of the Local Government Act 2020.

### Environmental Implications

N/A



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### Financial and Budgetary Implications

This Committee is advisory only and does not have any budgetary responsibilities. Expenses to do with the conduct of the Committee are covered within the operating budget.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Communications Policy

Community Engagement Policy

Tourism Policy

### Council Plan Implications

This report supports the following sections of the West Wimmera Shire Council Plan 2017-2021:

Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Strategic Objective 3: Quality sustainable community services and infrastructure.

Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.

Strategic Objective 5: Thriving, safe and diverse local communities.

Strategic Objective 7: Providing access to and promoting the natural environment.

### Communication Implications

Once Council adopts the Terms of Reference for the West Wimmera Tourism Advisory Committee, the committee will be notified at the next committee meeting to be held Tuesday 26<sup>th</sup> October.

### Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

### Conclusion

Following the West Wimmera Tourism Advisory Committee meeting and the outcome of the vote by the Committee it is recommended that Council adopt the updated Terms of Reference. **Refer Appendix A.**



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### **OFFICER RECOMMENDATION:**

**That Council adopts the West Wimmera Tourism Advisory Committee Terms of Reference attached to this report. Refer Appendix A.**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
	West Wimmera Shire Tourism Advisory Committee Terms of Reference 2021	



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### 14.3 GEOGRAPHIC NAMING POLICY

**FILE NUMBER: AD0089**

**REPORT AUTHOR: LEILANI DAWES, REVENUE MANAGER**

#### **FOR DECISION**

##### Introduction

West Wimmera Shire Council (Council) Road and Street Naming Policy is due for review. Road and Street naming processes are compelled to comply with the Naming Rules for places in Victoria, which extends to the naming of localities and features. It is proposed that the Road and Street Naming Policy be replaced with a Geographic Naming Policy to align the document with legislative terminology and scope.

The Geographic Naming Policy is a high-level document, providing support and guidance for Council to undertake compliant naming processes aligned with statutory and regulatory requirements. The Policy has been reviewed to ensure alignment with current legislative and regulatory references and practices. The revised Policy is attached. Refer Appendix A

##### Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

##### Background

The Geographic Naming Policy provides Council with clear parameters around the naming of geographic features including roads, streets and places.

The Naming Rules are mandatory for Council to adhere to when naming geographic features, and therefore the Policy needs to remain in alignment with these guidelines and support Council in maintaining compliance with the requirements.

##### Risk Management Implications

Council is subject to significant risk arising from unidentified properties, or ambiguous/duplicated names including:

- Emergency Services experiencing delay and difficulty in response, potentially being unable to find and provide critical care.
- Service providers being unable to identify properties.
- Other organisations being unable to deliver goods and services.



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### Legislative Implications

Ensuring the policy is consistent with the Office of Geographic Names (*Geographic Place Name Act 1998*) and the Naming Rules for places in Victoria.

At all times Council must comply with the *Local Government Act 1989* and *Local Government Act 2020* and any other relevant information relevant to the circumstances.

### Environmental Implications

Nil identified.

### Financial and Budgetary Implications

The service of naming a public road is provided free of charge because it is a statutory obligation and therefore a core service of Council.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Asset Management Policy  
Asset Management Strategy  
Communications Policy  
Community Engagement Policy  
Risk Management Policy  
Road and Street Naming Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.



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### Communication Implications

The Naming Rules outline the steps and obligations in relation to consultation and communication when a request to name or re-name a feature is received.

The Policy will be subjected to communication and consultation aligned with West Wimmera Shire Council's Community Engagement Policy.

Purpose and Scope: To inform the community of the updated Geographic Naming Policy

Level of Engagement: Inform

Type of Engagement: Publication on website in Council Meeting Agenda.

Community Engagement is at level inform for this policy, as there is minimal scope for change due to the required compliance with legislation and regulation for naming of Geographic features.

The Policy will be available on Council's website and accessible to the community.

### Gender Equality

A Gender Impact Assessment has been undertaken in relation to this matter in accordance with the *Gender Equality Act 2020*.

### Conclusion

The Road and Street Naming Policy has been reviewed and renamed the Geographic Naming Policy to align the document title with document intent and scope. The Policy provides support and guidance to Council and officers in renaming processes and ensures the statutory and regulatory obligations are achieved.

The revised Policy is presented to the October Council Meeting for adoption.

### **OFFICER RECOMMENDATION:**

**That the reviewed Geographic Naming Policy (attached Appendix A) be adopted, and replaces and repeals the Road and Street Naming Policy.**

#### **Attachments:**

No.	Name	RecFind Ref
	Geographic Naming Policy Draft	AD0089
	Gender Impact Assessment - Geographic Naming Policy	AD0089



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### 14.4 MINUTES OF AUDIT AND RISK COMMITTEE MEETING HELD 28 SEPTEMBER 2021

**FILE NUMBER: FM0021**

**REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR**

#### **FOR DECISION**

##### Introduction

This report presents West Wimmera Shire Council (Council) with the minutes of the Audit and Risk Committee Meeting held on 28 September 2021.

##### Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

##### Background

Section 53 (1) of the *Local Government Act 2020* requires that each Council establish an Audit and Risk Committee. The Audit and Risk Committee is a formally appointed Advisory Committee of Council.

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations relevant to its charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities. The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

The Audit and Risk Committee (The Committee) does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management. The Committee does not have any role in relation to issues normally addressed by Council or a sub-committee of Council, which may have delegated powers and financial management responsibilities in relation to budgets, financing decisions and expenditure priorities. The Committee is a separate activity and acts independently of Council and does not have any role in relation to financial management issues or have any executory role or powers.





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### Risk Management Implications

There are significant risk management implications from not providing governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

### Legislative Implications

The *Local Government Act 2020* requires that each Council establish an Audit and Risk Committee.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

Not commented on.

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policies:

Fraud & Corruption Control Policy  
Risk Management Policy

### Council Plan Implications

This report supports the following section of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

### Communication Implications

Not commented on.

### Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).



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### Conclusion

The minutes of the previous Audit Committee meeting are attached for Councillor's information.

### **OFFICER RECOMMENDATION:**

**That Council receives the draft minutes of the Audit and Risk Committee meeting held 28 September 2021.**

### **Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
1	2021 09 28 Audit Committee MINUTES - unconfirmed	E21/



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### 15.0 LATE ITEMS OF BUSINESS

Pursuant to West Wimmera Shire Council Governance Rules – Division 3 Section 20:

#### *20. Urgent Business*

*If the agenda for a Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council, and only then if it:*

*20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and*

*20.2 cannot safely or conveniently be deferred until the next Council meeting.*

### **OFFICER RECOMMENDATION:**

That Council consider the following late items of business:

15.1

FILE NUMBER:

REPORT AUTHOR:



## COUNCIL MEETING AGENDA – 18 OCTOBER 2021 WEST WIMMERA SHIRE COUNCIL

### **16.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66 (2)(a)) RECOMMENDATION**

1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at ..... pm to resolve on matters pertaining to the following items:

#### **16.1 SUPPLY AND DELIVERY OF A HIGHWAY MAINTENANCE TRACTR – NO TRADE**

#### **16.2 17.2 SUPPLY AND DELIVERY OF A HIGHWAY MAINTENANCE TRACTOR – WITH TRADE IN**

2. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

#### **Item 16.1: SUPPLY AND DELIVERY OF A HIGHWAY MAINTENANCE TRACTOR – NO TRADE**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

**Explanation:** This report contains Council business information regarding commercial negotiations for the supply and delivery of a highway maintenance tractor – no trade CM0541, and private commercial information provided by the tenderers.

#### **Item 16.2: SUPPLY AND DELIVERY OF A HIGHWAY MAINTENANCE TRACOTR – WITH TRADE IN**

**Grounds:** (g) private commercial information, being information provided by a business, commercial or financial undertaking that—



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- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

**Explanation: Explanation: This report contains Council business information regarding commercial negotiations for the supply and delivery of a highway maintenance tractor – with trade in CM0542, and private commercial information provided by the tenderers.**

### **RECOMMENDATION**

**That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at ..... pm.**

**MEETING CONCLUDED:**

**NEXT MEETING:**

**WEDNESDAY, 3 NOVEMBER 2021  
EDENHOPE COUNCIL CHAMBER**