



COUNCIL MEETING AGENDA – 20 APRIL 2022 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday, 20 April 2022

LOCATION: Apsley Hall

COMMENCEMENT: 2.00pm

PUBLIC ACCESS: Open to the public and Live Streaming from Council's website www.westwimmera.vic.gov.au

REQUIRED TO ATTEND:	
Councillors	Executive Leadership Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Tim Meyer Tom Houlihan	David Bezuidenhout Chief Executive Officer (CEO) Sarah Ellis Acting Director Infrastructure, Development and Works (ADIDW) James Bentley Director Corporate and Community Services (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.

Vision Statement:

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



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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.

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

Ram Upadhyaya, Director Infrastructure, Development and Works (DIDW)

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.



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 KatieFrost@westwimmera.vic.gov.au, no later than two hours prior to the Council Meeting.

None received for inclusion in the agenda.



RECOMMENDATION:

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

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.



**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)

17/03/2022	Strategic Leadership Team Meeting
18/03/2022	Festival of Small Halls Concert
21/03/2022	Workshop to discuss Annual Plan
25/03/2022	Mayors Luncheon in Horsham
30/03/2022	Annual Plan Discussion
30/03/2022	TrakMaster Caravan Welcome and BBQ Dinner
31/03/2022	Seniors Concert with Tania Kernaghan and Afternoon Tea
02/04/2022	Kaniva Town Garage Sale
02/04/2022	Black Cockatoo Concert – Harrow
04/04/2022	Acknowledgement of past West Wimmera Shire Council Councillors BBQ
05/04/2022	Audit and Risk Committee Meeting
06/04/2022	Councillor Forum
06/04/2022	Annual Plan Discussion
07/04/2022	General Discussion with Kelvin Spiller
20/04/2022	Apsley Community Forum and Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

17/03/2022	Strategic Leadership Team Meeting
21/03/2022	Workshop to discuss Annual Plan
29/03/2022	Wimmera Primary Care Partnership Inc. Committee of Management Meeting
30/03/2022	Annual Plan Discussion
05/04/2022	Audit and Risk Committee Meeting
06/04/2022	Councillor Forum
06/04/2022	Annual Plan Discussion
07/04/2022	General Discussion with Kelvin Spiller
12/04/2022	Wimmera Primary Care Partnership CoM Meeting with Local Public Health Unit
20/04/2022	Apsley Community Forum and Council Meeting

5.3 COUNCILLOR TREVOR DOMASCHENZ

21/03/2022	Workshop to discuss Annual Plan
22/03/2022	Wimmera Development Association Meeting



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22/03/2022	Wimmera Catchment Management Authority Meeting
25/03/2022	Wimmera Development Association Meeting
28/03/2022	Meeting with CEO
30/03/2022	Annual Plan Discussion
03/04/2022	Day of the Dackel
04/04/2022	Acknowledgement of past West Wimmera Shire Council Councillors BBQ
06/04/2022	Councillor Forum
06/04/2022	Annual Plan Discussion
07/04/2022	Wimmera Development Association Meeting
08/04/2022	Wimmera Development Association Meeting
09/04/2022	Wimmera Development Association Meeting
14/04/2022	Wimmera Mallee Tourism Meeting
14/04/2022	Wimmera Development Association Meeting
19/04/2022	Wimmera Development Association Meeting
20/04/2022	Apsley Community Forum and Council Meeting

5.4 COUNCILLOR TIM MEYER

18/03/2022	Festival of Small Halls Concert
21/03/2022	Workshop to discuss Annual Plan
30/03/2022	Annual Plan Discussion
31/03/2022	Seniors Concert with Tania Kernaghan and Afternoon Tea
02/04/2022	Kaniva Town Garage Sale
02/04/2022	Black Cockatoo Concert – Harrow
04/04/2022	Acknowledgement of past West Wimmera Shire Council Councillors BBQ
06/04/2022	Councillor Forum
06/04/2022	Annual Plan Discussion
20/04/2022	Apsley Community Forum and Council Meeting

5.5 COUNCILLOR TOM HOULIHAN

21/03/2022	Workshop to discuss Annual Plan
30/03/2022	Annual Plan Discussion
31/03/2022	Seniors Concert with Tania Kernaghan and Afternoon Tea
02/04/2022	Black Cockatoo Concert – Harrow
04/04/2022	Acknowledgement of past West Wimmera Shire Council Councillors BBQ
06/04/2022	Councillor Forum
06/04/2022	Annual Plan Discussion
20/04/2022	Apsley Community Forum and 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

Nil



**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS COUNCIL
MEETING – WEDNESDAY 16 MARCH 2022**

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 16 March 2022 be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

9.1 FLAG FLYING ON COUNCIL BUILDINGS AND PROPERTY POLICY

West Wimmera Shire Council recently passed a policy called “Flag Flying On Council Buildings And Property Policy” with the definition of a flag being;

A flag is defined as a piece of cloth attached by one edge to a staff, rope or pole, and which bears a distinctive design.

This policy applies to all Council owned property and buildings.

The policy appears unworkable due to the definition as above where we now have many unauthorised flags (by definition) already existing on council property throughout the shire, that the community would be very distressed by their removal.

These two motions are to provide clarity around two specific issues resulting from the new policy. Flying of the Aboriginal flag and the Rainbow (pride) Flag, have been requested by the community.

A subsequent motion may be required to address community concerns about flying promotional flags in townships on council property e.g. The ‘Edenhope’, ‘Kaniva’ and Christmas Seasonal Flags that are currently used in the shire in shopping precincts. I believe both motions line up with existing WWSC policies like the Human rights policy, various sections of our council plan and this section of the Gender Equality Act.

“Recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes.”



Aboriginal Flag

We already display the Aboriginal flag on council owned property in Harrow, Edenhope, and other locations but not in or outside the council chambers. The flag is also flown by other organisations within the shire as a sign of a welcoming place.

The first motion will seek to clarify what council owned buildings and property display the Aboriginal flag.

Rainbow Flag (Pride Flag)

The second motion is to display the Rainbow Flag on one day, May 17, annually. The local display of rainbows, including flying the inclusive rainbow flag, is simple and inexpensive, but meaningful to LGBTIQ+ community. While all parts of the community need to feel safe and included, research shows that LGBTIQ+ youth face greater risk of physical or mental health hazards than their heterosexual or cisgender peers. Factors influencing these negative health outcomes include discrimination, harassment, physical harm, and a lack of family and social support, which culminate in experiences of “minority stress”, a unique set of stressors experienced by those on society’s margins. Given these stressors, symbols of pride are particularly important.

Research has shown that when young people are exposed to the pride rainbow, they generally express positive feelings, including an attraction to certain areas of their towns, feeling good about themselves, and a desire to incorporate the symbolism into positive visions for the future.

MOTION: That:

(a) That West Wimmera Shire Council fly the Aboriginal flag in the two council chambers and outside the same buildings and allow the flying of the Aboriginal flag on other council owned buildings and property upon request.

(b) That West Wimmera Shire Council fly the Rainbow (Pride) Flag in Kaniva and Edenhope on a separate flagpole annually on May 17.



**10.0 COUNCILLOR FORUM RECORD & SPECIAL COUNCIL
MEETING**

10.1 COUNCILLOR FORUM RECORD – 6TH APRIL 2022

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 6th April 2022 be received and noted.

**10.2 CONFIRMATION OF MINUTES FROM SPECIAL COUNCIL MEETING
– CEMAC – 9TH FEBRUARY 2022**

RECOMMENDATION:

That the Minutes of the Special Council Meeting - CEMAC held on Wednesday, 9th February 2022 be taken as an accurate record and confirmed.

11.0 DEPUTATIONS AND PETITIONS

12.0 CHIEF EXECUTIVE OFFICER



13.0 CORPORATE AND COMMUNITY SERVICES

13.1 FRAUD AND CORRUPTION CONTROL POLICY REVIEW

FILE NUMBER:

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is committed to controlling fraud and corruption being committed by or against the organisation. The Fraud and Corruption Control Policy was last adopted by Council on 18 June 2020 and is due for review.

Council is committed to:

- protecting its revenue, property, information and other assets from any attempt, by any person, to gain by deceit, financial or other benefits.
- protecting the interests of the organisation and its ratepayers from persons attempting to gain financial or other advantage by fraudulent and corrupt conduct.
- planning and implementing governance, risk management and control measures to prevent fraud and corruption and to deal with suspected or actual instances promptly, effectively and fairly.

The review of the attached policy aims to ensure that the commitment statements above are reflected in the provision of a policy framework to support these outcomes.

Declaration of Interests

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

Background

Fraud was estimated by the Australian Competition and Consumer Commission to have cost consumers \$851 million in 2020. A Fraud and Corruption Control Policy sets the framework for the resourcing, prevention, detection and response to fraud and corruption to minimise the risks and potential harm to Council.

Council operates in an environment in which ethical conduct is expected, encouraged and supported, with no tolerance for corrupt conduct or fraudulent activities.



All Councillors and Council staff are placed in a position of trust and are required to maintain and enhance the public's confidence in the integrity of Council and to be active in protecting public money and property.

Council will ensure that it has in place effective operational controls and procedures for the planning and resourcing, prevention, detection and response to fraudulent or corrupt conduct. The attached policy is based on the Australian Standard 8001-2008, Fraud and Corruption Control, and seeks to make clear the roles, rights and responsibilities of all members of the organisation.

Risk Management Implications

The AS8001-2008 upon which this policy is based notes that it is important that Council view the Fraud and Corruption Control Policy “as an integral part of an overall risk management plan on the premise that fraud and corruption are business risks that are controlled by risk management principles.”

The Standard goes on to state that it is important that accountability for the implementation and ongoing monitoring of the fraud and corruption control plan, that the policy document sets the framework for, “be allocated to a person with appropriate seniority, skills and experience and sufficient time allotment to discharge this responsibility.” The attached policy provides detail on the roles and responsibilities of all employees, Councillors, contractors, and volunteers engaged by Council. However, there are clear role and responsibility statements linked to levels of seniority and several positions. These staff require time allocated to the execution of these duties for this policy to be effective.

Legislative Implications

This Policy aligns to a number of Acts as stated in the Policy. It is not expected that there are any arising legislative implications rather that this policy supports Council in meeting its responsibilities under the Local Government Act and that the other stated Acts support Council in the execution of this Policy.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Fraud and corruption have the ability to have a significant impact on the financial security and viability of West Wimmera Shire Council. A strong Policy position, resourced to be appropriately implemented, sends a strong message of deterrence. Prevention, detection and response mechanisms are designed to mitigate loss and the regular review of our policy is key in ensuring that West Wimmera Shire Council has an effective Policy that supports all members of the organisation in the mitigation of the risk of this loss.



Policy Implications

This report is supported by the following West Wimmera Shire Council Policies:
Communications Policy
Community Engagement Policy
Risk Management Policy

This policy supports all risk and finance related policies.

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

Once adopted, the Fraud and Corruption Control Policy will be made available to the public on Council's website and will be emailed to all staff.

A review of the supporting Fraud and Corruption Control Procedure will be undertaken and communicated to all employees.

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

West Wimmera Shire Council's stated commitment to control of fraud and corruption needs to be supported by strong policy and robust, resourced and monitored procedures. The attached policy has been reviewed to align with the current Australian Standard and strengthen the responsibilities within the policy for the key functions in achieving this outcome.

The draft Fraud and Corruption Control Policy seeks to provide a clear and transparent framework for the governance and management of an effective fraud and corruption control plan as described in the procedures supporting this policy.



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OFFICER RECOMMENDATION:

That Council adopt the draft Fraud and Corruption Control Policy (Attachment 1).

Attachments:

No.	Name	RecFind Ref
13.1.1	WWSC_Council Policy_Fraud Corruption Control Policy_DRAFT (mark-up edit)	
13.1.2	Gender Impact Assessment	



14.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

**14.1 ASSET MANAGEMENT POLICY AND ASSET MANAGEMENT
STRATEGY 2022**

FILE NUMBER:

REPORT AUTHOR: JAMES MAGEE, ASSETS GIS MANAGER

FOR DECISION

Introduction

The Asset Management Policy (Attachment 1) is the framework that enables strategic and quality governance of Council's owned/controlled assets.

The Policy reflects Council Plan objectives pertaining to Asset Management and service delivery.

The Asset Management Strategy (Attachment 2) seeks to implement best practice in asset management by:

- ensuring asset management decisions are based on whole of life costing.
- monitoring the condition and performance of all assets.
- understanding the service level, the asset is required to provide.
- understanding the remaining useful life of an asset or its components.
- understanding the current deterioration and consumption model for each asset category.
- using a condition degradation model to determine future renewal demands.
- evaluating alternative means of service provision.
- balancing competing needs across functions to minimise duplication.
- continually seeking opportunities for multiple use of assets.
- considering any proposal to dispose of an asset, where such disposal may affect the level of service being provided.
- endeavouring to align the timing of expenditure on assets, particularly renewal or upgrade, with the actual use of the asset to avoid deferred expenditure being borne by future generations.
- aligning WWSC's asset management practices with the industry best practice.
- applying the Australian Accounting Standards.
- referencing the Institute of Public Works Engineering Australia International Infrastructure Management Manual.



Declaration of Interests

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

Background

Council has had an Asset Management Policy and an Asset Management Strategy in place previously to assist in guiding Council in the management and renewal of assets with a medium to long term view. Both are now due for renewal.

The review of the policies aligns with Council's development of an Asset Management Plan which is to be adopted by 30 June 2022, as required by the Local Government Act 2020.

Risk Management Implications

Both the Asset Management Policy and Asset Management Strategy will provide medium to long term guidance in managing the assets under Council's control, thereby assisting in the management of financial risk.

The Policy and Strategy both refer to Council's Asset Management Plan (AMP).

The AMP has a section titled Risk Management Planning. This section details critical assets, risks, and treatment plans. Having an AMP is beneficial in reducing the long-term financial risk to Council and the preservation of assets in the long term.

Legislative Implications

The Asset Management Policy and Asset Management Strategy support and provide guidance for the Asset Management Plan (AMP). The AMP is compiled in accordance with the requirements of the Local Government Act 2020.

Environmental Implications

Nil

Financial and Budgetary Implications

The Asset Management Policy and Strategy provide guidance for future budget decisions by Council with respect to assets. Some of the actions are already set in the routines and budgeting of Council, while others will require specific decision in the appropriate budget year in the future.



Policy Implications

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

- Council Plan
- Draft Asset Management Plan
- Asset Disposal Policy
- Community Engagement Policy

Council Plan Implications

This report supports the following sections of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy
- Goal 4 – Good Governance
- Goal 5 – Our Commitment

Communication Implications

There is no requirement for public advertising for submissions with respect to either document. The adopted documents should be placed on Council's website.

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 appropriate for Council to adopt the amended Asset Management Policy and Asset Management Strategy. Both documents should be reviewed in four years in conjunction with the review of the Asset Management Plan.



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OFFICER RECOMMENDATION:

That the West Wimmera Shire Council adopt the draft Asset Management Policy (Attachment 1) and draft Asset Management Strategy 2022 (Attachment 2).

Attachments:

No.	Name	RecFind Ref
14.1.1	Draft Asset Management Policy 2022	
14.1.2	Draft Asset Management Strategy 2022	
14.1.3	Gender Impact Assessment	



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.



16.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66

(2)(a))

RECOMMENDATION

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:

**ITEM 16.1: CMO-496 COLLABORATIVE BITUMINOUS SEALING
CONTRACT EXTENSION**

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: CMO-496 COLLABORATIVE BITUMINOUS SEALING
CONTRACT EXTENSION**

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 and private commercial information.

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, 18 APRIL 2022
EDENHOPE COUNCIL CHAMBER**