

AGENDA

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

TO BE HELD ON
TUESDAY 20 AUGUST, 2019
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

Cr Kim O’Keeffe (Mayor)
Cr Shelley Sutton (Deputy Mayor)
Cr Seema Abdullah
Cr Dinny Adem
Cr Bruce Giovanetti
Cr Chris Hazelman OAM
Cr Les Oroszvary
Cr Dennis Patterson
Cr Fern Summer

VISION

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE
A DIVERSE COMMUNITY AND
ABUNDANT OPPORTUNITIES*

**A G E N D A
FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
TUESDAY 20 AUGUST, 2019 AT 5.30PM**

**CHAIR
CR KIM O'KEEFFE**

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RISK LEVEL MATRIX LEGEND

Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5) Would be expected to occur in most circumstances (daily/weekly)	LOW	MEDIUM	HIGH	EXTREME	EXTREME
Likely (4) Could probably occur in most circumstances (i.e. Monthly)	LOW	MEDIUM	MEDIUM	HIGH	EXTREME
Possible (3) Reasonable probability that it could occur (i.e. over 12 months)	LOW	LOW	MEDIUM	HIGH	HIGH
Unlikely (2) It is not expected to occur (i.e. 2-5 years)	LOW	LOW	LOW	MEDIUM	HIGH
Rare (1) May occur only in exceptional circumstances (i.e. within 10 years)	LOW	LOW	LOW	MEDIUM	HIGH

- Extreme** Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation
- High** Intolerable – Attention is needed to treat risk.
- Medium** Variable – May be willing to accept the risk in conjunction with monitoring and controls
- Low** Tolerable – Managed by routine procedures

PRESENT:

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

2. PRIVACY NOTICE

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes

3. APOLOGIES

RECOMMENDATION

That the apology from Cr Oroszvary be noted, and a leave of absence granted.

4. DECLARATIONS OF CONFLICT OF INTEREST

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the minutes of the Ordinary Council meeting held 16 July 2019, as circulated, be confirmed.

6. PUBLIC QUESTION TIME

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1922 - Design of Maude Street Mall Precinct Redevelopment

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest..

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Manager Projects

Proof reader(s): Manager Projects

Approved by: Director Infrastructure

Executive Summary

Contract No. 1922 is for the provision of consultancy services to prepare a functional design, business case, detailed design and documentation of works identified for the Maude Street Mall precinct redevelopment, sufficient to enable tendering and construction of the works. The order of magnitude of cost for the implementation of the works, including contingency allowances is \$16,000,000.

Five tenders were received and evaluated against the selection criteria. Two tenderers were short-listed through to a presentation/interview process.

Group GSA is the highest scoring tender as evaluated by the selection criteria and reinforced their suitability for the project during the bid presentation and interview process.

Therefore it is recommended that Council award Contract No. 1922 to Group GSA Pty Ltd.

RECOMMENDATION

That the Council:

1. accept the tender submitted by Group GSA Pty Ltd of Melbourne for Contract No. 1922 Design of Maude Street Mall Precinct Redevelopment for the Lump Sum price of \$499,950.00 (including GST).
2. authorise the Chief Executive Officer to sign and seal the contract documents.

Contract Details

Contract No. 1922 is for the provision of consultancy services to prepare a functional design, business case, detailed design and documentation of works identified for the Maude Street Mall precinct redevelopment, sufficient to enable tendering and construction of the works. The order of magnitude of cost for the implementation of the works, including contingency allowances is \$16,000,000.

In general terms the contract works will include the following items:

- Landscape design;
 - Open space planning and reactivation,
 - Pavement and surface design,

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1922 - Design of Maude Street Mall Precinct Redevelopment (continued)

- Playgrounds and parks,
- Flexible event space and artworks,
- Trees, shade and garden bed planting,
- Water sensitive urban design and irrigation.
- Sub-consultant co-ordination;
 - Civil, structural, electrical and hydraulic engineering services,
 - Traffic study,
 - Communication and engagement,
- Review of the adopted concept design and provision of a detailed concept design
- Provision of a functional design including supporting business case
- Develop the functional design into final detail design
- Provision of schedule of quantities, technical specifications, cost estimate

Tenders

Tenders were received from:

Tenderers
CAF Consulting Services Pty Ltd
Outlines Landscape Architecture
Spiire
Group GSA Pty Ltd
Urbis Pty Ltd

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Manager Projects	Infrastructure
Director Sustainable Development	Sustainable Development
Team Leader - Investigation and Design	Infrastructure
Team Leader - Business & Industry Development	Sustainable Development

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price (including prices supplied for additional works)	40%
OH&S System and implementation	Pass/fail
Integrated management system (Quality, Risk, HR, Environmental Mgmt. Systems) and financial capability	Pass/fail
Environmental and sustainability design	10%

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1922 - Design of Maude Street Mall Precinct Redevelopment (continued)

Evaluation Criteria	Weighting
(relevant systems and procedures, project specific environmental/sustainability elements demonstrated in methodology)	
Benefit to the Local Region	10%
Relevant experience / Past performance	10%
Capacity to complete the contract (Project methodology and delivery timeframe)	30%

Five tenders were received and evaluated against the selection criteria

The tender of Outlines Landscape Architecture did not receive an evaluation score following a consensus by the panel that the information provided for Integration Management Systems and Occupational Health and Safety was not adequate to award them a Pass score.

The remaining four tenders addressed all of the criteria and each indicated an appropriate capacity to undertake the project. The weighted evaluation clearly identified that two of the tenders were closely scored and were ahead of the other tenders by a significant margin.

As the two highest scoring tenders were relatively close and given the strategic importance of this project, the panel elected to invite those two tenderers to present their bids and respond to further questions from the panel before reaching a final decision.

Group GSA entered the presentation stage as the highest weighted score under the evaluation criteria and following the interviews it was the panel's unanimous opinion that Group GSA had further reinforced their position as the preferred tenderer. In their presentation Group GSA placed an emphasis on the previous success of the team on comparable projects and was considered by the panel to be well considered and well presented. Their approach to consultation was supported by previous successes they have had on similar projects.

Council Plan/Key Strategic Activity

The award of this contract links to the following objectives outlined in the Council Plan 2017-2021:

- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.
- 3.5 Shepparton is the regional city centre supported by well-planned and designed existing and emerging commercial activity centres.

The activation of Maude Street Mall is nominated as a key capital project.

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1922 - Design of Maude Street Mall Precinct Redevelopment (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Negative impact on commercial tenancy and activity following upgrade	Possible	Major	High	Ensure proposed treatments are thoroughly researched and fit for purpose
Negative impact on Mall traders during construction	Almost Certain	Moderate	High	Consult with stakeholders to identify best construction method to achieve overall lowest impact
Lack of acceptance of proposed design from stakeholders	Likely	Moderate	Moderate	Ensure regular communication with stakeholders to inform decisions and then good communication of basis of decisions
Escalation of final construction cost beyond budget	Possible	Moderate	Moderate	Clear communication of budget constraints and development of a process to prioritise inclusion of features

Policy Considerations

This tender process was carried out in accordance with Council's procurement policy.

Financial Implications

	Approved Budget Estimate for this proposal ¹	This Proposal GST Exclusive	Variance to Approved Budget Estimate	This Proposal GST Inclusive ²
	\$	\$	\$	\$
Revenue				
Expense	\$800,000	\$454,500	-\$345,500	\$499,950
Net Total	\$800,000	\$454,500	-\$345,500	\$499,950

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Legal/Statutory Implications

Tender process has been carried out according to the requirements of *Section 186* of the *Local Government Act 1989*.

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1922 - Design of Maude Street Mall Precinct Redevelopment (continued)

Environmental/Sustainability Impacts

Tenderers have been asked to provide their relevant environmental credentials for a project such as this. Design features will have an emphasis on water sensitive urban design.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Economic Development.

Objective 2: To develop the Shepparton CBD as a regional centre for commerce and entertainment.

Objective 3: To revitalise the CBD of Shepparton and improve the urban design and architectural standards of retail/commercial areas.

b) Other strategic links

The Maude Street Mall has been identified for redevelopment within the CBD Strategy 2008, Commercial Activity Centre Strategy 2016 and the Economic Development Tourism and Major Events Strategy 2017-2021.

Conclusion

Group GSA is the highest scoring tender as evaluated by the selection criteria and reinforced their suitability for the project during the bid presentation and interview process.

The evaluation panel is satisfied that the methodology, timelines and team proposed for the project meet Council's requirements. Group GSA are the lowest priced tenderer and although not local, have some local content in the team and a demonstrated track record in delivering similar projects for regional and metropolitan areas.

Taking into consideration that;

- this design consultancy has hold points for Council input and the scope is likely to evolve or change as it progresses
- consultation has been priced consistently across all tenders as a provisional sum and
- The tendered sum is very close to the delegated authority of the CEO

It is recommended that Council award Contract No. 1922 to Group GSA Pty Ltd.

Attachments

Nil.

8. CORPORATE SERVICES DIRECTORATE

8.1 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report
Author: Acting Team Leader Contracts and Procurement
Proof reader(s): Manager Corporate Governance
Approved by: Director Corporate Services

Executive Summary

To inform the Council of the status of requests for tenders that have been awarded under delegation and those that have been publicly advertised but are yet to be awarded.

RECOMMENDATION

That the Council note:

- tendered contracts awarded under delegated authority by the Chief Executive Officer;
- contracts awarded under delegated authority by a Director;
- requests for tenders advertised but not yet awarded.

Tendered Contracts Awarded under Delegated Authority by the CEO

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1889	Balaclava Rd Verney Rd Intersection Stages 1 & 2 upgrade	Lump Sum Contract for the Upgrade of Balaclava Rd Verney Rd Intersection Shepparton Stages 1 & 2 upgrade	\$360,000.00	Jarvis Delahey Constructions Pty Ltd

Tendered Contracts Awarded under Delegated Authority by a Director

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1972	Provision of a Exhibition Curation Consultancy	Private Select Invitation Request for Quote only. Lump Sum Contract	\$149,848.89	Ms Lara Merrington

8. CORPORATE SERVICES DIRECTORATE

8.1 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded (continued)

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1922	Design of the Maude Street Mall Precinct Redevelopment	Request for Tender, Lump Sum Contract for the Design of the Maude Street Mall Precinct Redevelopment	Contract is being considered as part of this Agenda.
1939	Provision of Ardmona Resource Recovery Centre E-Waste Shed	Request for Quote, Lump Sum Contract for the Provision of Ardmona Resource Recover Centre (ARRC) E-Waste Shed	Tender closed on 9 August 2019. Tender currently being evaluated.
1940	Provision of Shepparton Resource Recovery Centre E-Waste Shed	Request for Quote, Lump Sum Contract for the Provision of Shepparton Resource Recover Centre (SRRC) E-Waste Shed	Tender closed on 9 August 2019. Tender currently being evaluated.
1947	Construction of Final Sideliner Lift – Cosgrove 2 Landfill – Cell 4	Private Request for Quotation (RFQ), Lump Sum Contract for the Construction of Final Sideliner Lift – Cosgrove 2 Landfill – Cell 4 (Select RFQ - Invitation only)(Private)	Tender closed on 12 July 2019. Tender currently being evaluated.

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1950	GVW Main Replacements – Balaclava Road Section, Shepparton	Request for Tender, Lump Sum Contract for the GVW Main Replacements – Balaclava Road Section, Shepparton	Tender closed on 12 June 2019. Tender currently being evaluated.
1951	GVW Main Replacements – New Dookie Road Section, Shepparton	Request for Tender, Lump Sum Contract for the GVW Main Replacements – New Dookie Road Section, Shepparton	Tender closed on 12 June 2019. Tender currently being evaluated.
1955	Provision of Services for a Creative Director for the Shepparton Art Museum Opening Celebrations(Private)	Private Request for Quotation (RFQ), Lump Sum Contract for the Provision of Services for a Creative Director for the Shepparton Art Museum Opening Celebrations, (Select RFQ - Invitation only)(Private)	Tender closed 26 July 2019. Tender Currently being Evaluated

8. CORPORATE SERVICES DIRECTORATE

8.1 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1959	Supply and Delivery of Bituminous Products	Schedule of Rates & Panel of Suppliers Contract for Supply and Delivery of Bituminous Products within GSCC	Tender closed on 7 August 2019. Tender currently being evaluated
1963	Provision of Heritage Expert for Amendment C205 to the Greater Shepparton Planning Scheme	Private Request for Quotation (RFQ), Lump Sum Contract for the Provision of professional Heritage Expert for Amendment C205 to the Greater Shepparton Planning Scheme, (Select RFQ - Invitation only)(Private)	Tender closed 17 July 2019. Tender currently being evaluated.
1965	Provision of Heritage Advisory Service	Private Request for Quotation (RFQ), Lump Sum Contract for the Provision of Heritage Advisory Service for 2019/2020 Financial Year, (Select RFQ - Invitation only)(Private)	Tender closed 17 July 2019. Tender currently being evaluated.
1966	Provision of Playground Strategy Consultant	Private Request for Quotation (RFQ), Lump Sum Contract for the Provision of Playground Strategy Consultant (Select RFQ - Invitation only)(Private)	Tender closed on 2 August 2019. Tender currently being evaluated
1967	Provision of Maude St Mall Service Locating	Request for Quote, Lump Sum Contract for the Provision of Maude Street Mall Services Locating	Tender scheduled to close on 21 August 2019

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1970	Aboriginal Engagement Plan Consultant	Private Request for Quotation (RFQ), Lump Sum Contract for the Provision of Consultant to develop the Aboriginal Engagement Plan for SAM, (Select RFQ - Invitation only)(Private)	Tender closed on 5 August 2019. Tender currently being evaluated

Policy Considerations

Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the Chief Executive Officer to award a contract up to the value of \$500,000 including GST.

The Council through the *Exercise of Delegations* Policy has delegated authority to the Director Corporate Services to approve a contract up to the value of \$500,000 and the Director Infrastructure, Director Community and Director Sustainable Development to approve a contract up to the value of \$150,000 for goods and services and \$200,000 for works.

8. CORPORATE SERVICES DIRECTORATE

8.1 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded (continued)

Legal/Statutory Implications

Section 186 of the *Local Government Act 1989* (the Act) establishes the requirements for tendering and entering into contracts.

Section 186(1) of the Act requires that before Council enters into a contract for the purchase of goods or services to the value of \$150,000 or more, or for the carrying out of works to the value of \$200,000 or more, it must give public notice of the purpose of the contract and invite tenders or expressions of interest from any person wishing to undertake the contract.

Conclusion

It is important that decisions and actions taken under delegation be properly documented and transparent in nature. The report details the publicly advertised contracts awarded by the Chief Executive Officer and Directors under delegated authority of the Council during the period 1 July 2019 to 31 July 2019.

Attachments

Nil

8. CORPORATE SERVICES DIRECTORATE

8.2 July 2019 Monthly Financial Report

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report:

Author: Team Leader Management Accounting

Proof Reader: Manager Finance & Rates

Approved by: Acting Director Corporate Services

Executive Summary

The report presents Council's actual financial performance compared to the budget for the first month ended 31 July 2019.

RECOMMENDATION

That the Council receive and note the July 2019 Monthly Financial Report.

Background

The 2019/2020 Budget was adopted at the Ordinary Council Meeting held 18 June 2019. The 2019/2020 Budget provided for an operating surplus of \$25.33 million with revenue of \$153.32 million and expenditure of \$127.99 million. The 2019/2020 Budget also provided for capital works of \$73.68 million.

Council's actual financial performance compared to the budget is presented to Council on a monthly basis.

The July 2019 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

- Operating Performance
- Capital Works Performance
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal "High Performing Organisation" as included in the *Council Plan 2017-2021*.

Risk Management

There are no risks identified in providing this financial report.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

8. CORPORATE SERVICES DIRECTORATE

8.2 July 2019 Monthly Financial Report (continued)

Legal/Statutory Implications

Section 137 of the *Local Government Act 1989* provides that Council maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. In addition Section 138 requires that at least every 3 months a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public. This report satisfies that requirement.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with this report.

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic implications in providing this financial report.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Conclusion

The report presents Council's actual financial performance compared to the budget for the first month ended 31 July 2019.

Attachments

July 2019 Monthly Financial Report [↓](#) Page 32

8. CORPORATE SERVICES DIRECTORATE

8.3 Sponsorship Policy

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader - Governance

Proof reader(s): Acting Manager - Corporate Governance

Approved by: Acting Director - Corporate Services

Executive Summary

In 2018 an internal audit was undertaken on Council Community Grants and Sponsorship.

As part of the audit process a number of recommendations were made, some of which related specifically to the provision of sponsorship and the process being followed.

The Sponsorship Procedure has now been reviewed and updated in the form of a Sponsorship Policy, in response to the audit recommendations and findings.

RECOMMENDATION

That the Council adopt the Sponsorship Policy 37.POL14.

Background

The review of the Sponsorship Procedure was initiated by an internal audit conducted by Crowe Horwath, late in 2018.

Key findings of the audit included the need to consistently promote the availability of the sponsorship (risk of not being transparent), with a recommendation that the CEO and Mayor Sponsorship fund form part of the overall Grant and Sponsorship Framework.

Following consultation with Council's Grants Coordinator and the Chief Executive Officer, it was determined not to accept this internal audit recommendation due to the structured nature of Council's Grant Framework, acknowledging that it would not support the adhoc timing and nature of the requests for support which Council receives through this sponsorship process.

Instead, Council committed to reviewing and updating its sponsorship procedure. The former procedure has now been converted to a Council Policy, which once adopted, will be published on Council's website to raise community awareness and promote transparency of the sponsorship availability.

As part of this review process it was also identified that the annual budget allocation was surplus to needs, with a decrease in the number of applications being received, likely due to the various grants Council now has available.

8. CORPORATE SERVICES DIRECTORATE

8.3 Sponsorship Policy (continued)

The Policy (former procedure) has been updated to reflect the reduced annual budget allocation, in addition to clarifying some areas of the application process, more specifically:

- Conversion from a Corporate Procedure to Policy
- Reduction of annual budget allocation from \$10,000 to \$5,000
- Clearer guidelines on how to manage repeated requests for sponsorship over consecutive years
- Increase to the maximum sponsorship amount per application, from \$200 to \$500
- Inclusion of a provision that any applications seeking more than \$500 sponsorship will require Council resolution.
- Introduction of acquittal process

Council Plan/Key Strategic Activity

This policy is consistent with the following Council Plan Objectives:

1.3: Council demonstrates strong leadership and sound decision making in the best interests of the community.

2.2: Our Community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing

Risk Management

The review and adoption of this policy will clearly demonstrate Council's approach to the provision of sponsorship, minimising any risk of a lack of transparency within the community.

Policy Considerations

There are no conflicts with existing Council Policies or Procedures.

Financial Implications

The Sponsorship policy outlines Council's commitment to providing up to \$5,000 per financial year in the provision of sponsorship to approved individuals or groups.

This amount has been included in the 2019/20 budget.

Note: this has been a reduction from \$10,000 in previous financial years, and the policy has been amended to reflect this change.

Legal/Statutory Implications

There are no legal or statutory implications associated with this report.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with this report.

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

Consultation has occurred with key staff involved in the grants and sponsorship processes.

8. CORPORATE SERVICES DIRECTORATE

8.3 Sponsorship Policy (continued)

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

Conclusion

The sponsorship policy has been reviewed and updated to reflect current practices. It also fulfils Council's commitment in response to the Community Grants and Sponsorship audit.

It is therefore recommended that the updated policy be adopted and implemented by Council.

Attachments

Sponsorship Policy 37.POL14 [↓](#) Page 41

8. CORPORATE SERVICES DIRECTORATE

8.4 Election Caretaker Provisions Policy

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Acting Director Corporate Services

Executive Summary

In accordance with Section 93B(2)(b) of the *Local Government Act 1989* (the Act), Council must review its Election Period Policy no later than 12 months prior to the commencement of each general election period.

Council had previously adopted an Election Caretaker Provisions Policy on 15 March 2016 prior to the last general election. This Policy has now been reviewed and updated with some minor changes proposed.

RECOMMENDATION

That the Council adopt the Election Caretaker Provisions Policy 37.POL4.

Background

The election period commences at midnight on Friday 22 September 2020 and concludes at 6.00pm, Saturday 24 October 2020 (election day).

During this time, specific provisions of the Act must be adhered to, in order to ensure that Council actions do not in any way, influence the outcome of an election. These provisions include limitations to Council decision making, publications and events, community consultation and the use of Council resources.

This policy has been developed to clearly outline the roles and responsibilities of both staff and Councillors during the election period, to ensure these provisions are well understood and upheld.

Some minor additions have been made to the policy as part of this review, which provide guidance in the following areas during an election period:

- Councillor attendance at Committee meetings
- Community Information Sessions and 'Small Town Catch Ups'
- Dispute Resolution Procedures

Council Plan/Key Strategic Activity

This report is consistent with Objective 1.3 of the 2017-2021 Council Plan: 'Council demonstrates strong leadership and sound decision making in the best interest of the community.'

8. CORPORATE SERVICES DIRECTORATE

8.4 Election Caretaker Provisions Policy (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Councillors using Council resources for campaigning	Unlikely	Major	Moderate	Covered in s76D in the act with a 600 penalty unit
Having to deal with a major policy decision during the caretaker period	Unlikely	Moderate	Moderate	The Council can apply for a Ministerial Exemption
Releasing a publication or other information which has not been certified by the CEO	Unlikely	Major	Moderate	An internal procedure has been developed and training will be provided to all senior managers on the requirements of the Caretaker period.
CEO certifying a publication which contains electoral matter	Rare	Major	Moderate	All documents will be checked by the Manager Corporate Governance before proceeding to the CEO for certification.

Policy Considerations

The adoption of this Policy does not present any conflicts with existing Council Policy.

Financial Implications

The financial implications identified relate to the penalties set out in the Act. The Act contains offences for breaches of section 55D. A breach may be prosecuted in Court and, if a person is found guilty, he or she may be convicted and fined up to 60 penalty units. This includes:

- A CEO who intentionally or recklessly certifies a publication containing electoral matter.
- A Councillor or member of Council staff who intentionally or recklessly authorises, prints, published or distributes an uncertified publication containing electoral matter.

It should also be noted that section 76D of the Act, which imposes serious penalties (600 penalty units or imprisonment for 5 years) on a Councillor who misuses his or her position for private benefit, identified improper use of public resources as a misuse of position.

Legal/Statutory Implications

The adoption of an Election Policy within 12 months prior to a general election period is a requirement of the Act. By establishing these clear procedures in relation to Councils requirements during the election period, officers can minimise the risk of any breaches and therefore, liability on Council.

Environmental/Sustainability Impacts

There are no environmental / sustainability impacts associated with this report.

8. CORPORATE SERVICES DIRECTORATE

8.4 Election Caretaker Provisions Policy (continued)

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy.

Conclusion

The Election Caretaker Provisions Policy has been drafted in accordance with current legislation. This document clearly defines the restrictions applied to Council during the election period, and the processes which both staff and Councillors must follow to ensure no breaches occur.

Given the statutory requirement to review Councils election policy, it is recommended that the Council adopt the Election Caretaker Provisions Policy, either in its current format, or with minor amendments.

Attachments

Election Caretaker Provisions Policy [↓](#) Page 48

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Review of Greater Shepparton City Council's Grants Distribution Policy

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Grants Coordinator

Proof reader(s): Manager Economic Development

Approved by: Director Sustainable Development

Executive Summary

An external audit on all of Council's community based grants was conducted by Crowe Horwath in December 2018 with a report presented to Council staff in January 2019.

The auditor's report outlined a recommendation that require minor changes to the Grants Distribution Policy 43.2POL1:

- To include definitions of the difference between grants and sponsorships (page 3)

In addition to the above, revisions to improve text flow and readability of the policy has been undertaken to ensure the document remain up-to-date and relevant. These changes do not have any direct implications to the content of the document and include:

- Inclusion of a documents revision table (page 2)
- Change the term "group" to "organisation" (throughout entire document)

A Process for Grants Distribution 43.1 has also been revised in accordance with the auditor's report and the changes have been accepted by the Executive Leadership Team (ELT).

RECOMMENDATION

That the Council adopt the revised Grants Distribution Policy 43.2POL1

Background

Council has awarded grants to the local community for many years and has an annual grant distribution of community grants of approximately \$435,000.

A policy and procedure for distribution of Council grants was first developed in 2013 and adopted by the Council in March 2014.

The purpose of the policy and procedure was to introduce an open and transparent process and sound management structure around the way Council awards and records grants.

The policy outlines Council's role, responsibilities for grants, the grant categories, and funding criteria. The procedure provides direction for the grants distribution process, which outlines the process for staff.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Review of Greater Shepparton City Council's Grants Distribution Policy (continued)

The Grants Distribution Policy 43.2POL1 was reviewed and re-adopted with minor changes in April 2016.

The Grants Distribution Policy 43.2POL1 was reviewed and re-adopted with minor changes in April 2017.

Council Plan/Key Strategic Activity

Goal 1: Active and Engaged Communities (Social)

Objective 1: Continue to enhance Community Capacity Building.

Objective 5: Embrace and Strengthen cultural harmony and diversity.

Objective 6: Value Arts Culture and Heritage as an integral part of our dynamic community.

Goal 3: Economic Prosperity (Economic)

Objective 1: Maximise opportunities to ensure Greater Shepparton leads Victoria, retaining and attracting education and industry.

Objective 3: Make Greater the regional sporting capital of Victoria and a leading sporting destination.

Risk Management

Awarding grants to the local community provides many opportunities in terms of social and economic benefits and it promotes innovation, capacity building and long term sustainability. The risks associated with grants involve financial reporting and how Council can ensure that the money is expended in an appropriate way that creates benefits to the local community.

This policy has been developed in order to implement a sound management structure around the way Council is awarding and recording grants and to reduce some of the risks associated with grants management.

Insignificant to Low risks have been identified and will be addressed at the operational level.

Policy Considerations

No conflict with any other policy have been identified.

Financial Implications

Council currently has an annual financial commitment to the dissemination grants of approximately \$435,000. This amount is determined on an annual basis and may vary from year to year.

Legal/Statutory Implications

Council is expected to comply with privacy regulations and government record management legislation in relation to keeping grant records. The introduction of the policy and a more efficient record keeping system will improve Council's ability to show auditors how a decision was reached, the process from initial application to assessment and all other associated correspondence to the application.

Environmental/Sustainability Impacts

The policy and guidelines includes the recommendation that all grant applications are managed via an online system, which reduces the use of paper based forms.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Review of Greater Shepparton City Council's Grants Distribution Policy (continued)

Social Implications

Adopting a policy on the management of grant programs will provide ongoing social benefits to the local community. With a policy in place, Council can ensure it does provide key outcomes that respond to the active and engaged (social) objectives of the Council Plan.

Economic Impacts

Adopting a policy on the management of grant programs will provide ongoing economic benefits to the local community. With a policy in place, Council can ensure it does provide key outcomes that respond to the economic prosperity objectives of the Council Plan.

Consultation

The policy has been developed as an internal document. The Greater Shepparton Council Plan 2017-2021 has been used as a reference point to establish the priorities of the community in relation to the policy.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Community Life

Theme: Health and Social Services

To encourage and implement activities that will strengthen community spirit.

Conclusion

Maintaining and re-adopting a policy on the management and distribution of grants will ensure that Council's grant programs provide ongoing economic and social benefits to the local community. It supports Council's accountability and reduces risks associated with grant management. It is recommended that the Council accept the changes and re-adopt the Grant Distribution Policy 43.POL2.

Attachments

Policy for Grant Distribution 43.POL1 [↓](#) Page 59

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Tatura Park Advisory Group - Membership

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Events Facilities Coordinator

Proof reader(s): Manager Economic Development

Approved by: Director Sustainable Development

Executive Summary

The Tatura Park Advisory Group's purpose is to advise Council on the procedures, rules, conditions of use and proposed capital works necessary for the proper management of Tatura Park, and any specific issues which may arise from time to time.

The committee currently has ten community representative members and two Councillor representatives. The term of appointment for these members expired on 25 June 2019. This report recommends the appointment of new committee members to assist with the management of the facility for a two year term as outlined in the recommendation.

RECOMMENDATION

That the Council:

1. Having considered the nominations received for appointment to the Tatura Park Advisory Group, appoint the following members for a two year term commencing on 21 August 2019 and concluding on 20 August 2021;
 - Caroline COLEBY
 - Karina DAMSCHKE
 - Daryl EATON
 - Shaun O'SHANNESY
 - David QUICK
 - Kevin RYAN
 - Carl WALTERS
2. Thank the following outgoing members for their significant contributions to the Tatura Park Advisory Group:
 - Graeme DREW
 - Mitchell FOX
 - Chantelle LANGLEY
 - Craig RATH
 - Noel RUSSELL
 - Mick TAYLOR

Background

The Tatura Park Advisory Group Terms of Reference allow for up to ten community representatives. The outgoing committee included ten representative members. The

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Tatura Park Advisory Group - Membership (continued)

current appointments expired on 25 June 2019 and it is necessary to review and appoint representatives to the Committee to assist with the ongoing management of this important facility.

An advertisement calling for applications to fill positions on the Committee was placed in the Shepparton News and Tatura Guardian and correspondence was sent to the outgoing Committee members encouraging them to reapply. Seven applications have been received and these are listed below;

- Caroline COLEBY
- Karina DAMSCHKE
- Daryl EATON
- Shaun O'SHANNESY
- David QUICK
- Kevin RYAN
- Carl WALTERS

Officers are seeking Council endorsement for the appointment of these seven applicants to the Tatura Park Advisory Group for a term of two years.

Council Plan/Key Strategic Activity

Goal 1 – Active and Engaged Community (Social). Objective 1.3: Ensure that the community and user groups are consulted and engaged in planning all Tatura Park facilities.

Goal 3 – Economic Prosperity (Economic). Objective 3.3: Through ongoing development of high quality sporting infrastructure throughout Greater Shepparton and facilitating the conduct of regional, intrastate, interstate and national sporting events we will become the sporting capital of Victoria.

Goal 4 – Quality Infrastructure (Built). Objective 1: Consultation with the community to address the needs of user groups and assist in attracting major events to our region.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Lack of communication between the committee and Council	Possible	Minor	Low	At least one Councillor is a representative member of the committee to provide a communication channel and directions.
Advisory Committee Members not covered under Council's Insurance Policy	Possible	Minor	Low	Any recommendations made by the committee are referred to Council for final decision.
Non-compliance with Assemblies of Councillors requirements under the <i>Local Government Act 1989</i> .	Possible	Minor	Low	Minutes of all meetings of the committee are submitted to Council in accordance with the <i>Act</i> .

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Tatura Park Advisory Group - Membership (continued)

Policy Considerations

There are no conflicts with existing Council Policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

The proposal is consistent with the *Local Government Act 1989* and necessary to ensure compliance with this *Act*.

In accordance with section 80A of the *Local Government Act 1989* an Assemblies of Councillors record shall be kept for any meeting of the Committee which has at least one Councillor in attendance. A copy of the Assemblies of Councillors record must be submitted to Council within 14 days of the date of the meeting for inclusion in the next Ordinary Council Meeting agenda and minutes.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this proposal.

Social Implications

The appointment of community members to the Tatura Park Advisory Group will help to build a sense of community as it increases stakeholder participation and pride in their local facilities.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

Advertisements calling for nominations for applicants to fill up to ten vacant positions on the Tatura Park Advisory Group were placed in the Shepparton News on Friday 14 June and Friday 28 June 2019. Advertisements were also placed in the Tatura Guardian on Tuesday 18 June 2019. Correspondence was sent to those members whose term of appointment was due to expire encouraging them to re-apply for another term on the Committee. User groups were also emailed indicating nominations were open.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> Newspaper advertisements Consultation with committee members
Involve	Work together. Feedback is an input into decision-making.	<ul style="list-style-type: none"> Council to consult with the Group in relation to management of the facility.
Collaborate	Feedback and advice received from the Group will be incorporated into decisions the maximum level possible.	<ul style="list-style-type: none"> Advisory Group consisting of community members to be appointed. Councillor appointees to the Group enable ongoing collaboration between the Group and the Council.
Empower	Council will give due consideration to implementation of the Group's recommendations.	<ul style="list-style-type: none"> Council will agree to funding requests where possible to enable the Group to undertake desired projects.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Tatura Park Advisory Group - Membership (continued)

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no strategic links to the *Greater Shepparton 2030 Strategy*.

Conclusion

It is recommended that Council appoint all applicants to the Tatura Park Advisory Group to ensure that the committee is able to continue playing a vital role in assisting Council with the operation of the facility.

Attachments

Nil

10. REPORTS FROM COUNCILLORS

10.1 Murray Darling Association | Report from Cr Patterson

The Murray Darling Association portfolio has been a busy one since becoming chairman of region 2. The price of water has forced many irrigation farmers off the land especially Dairies. I have had a boat trip down the Goulburn river with the Victorian water minister Lisa Nevill to show her first hand the Environmental damage being caused to the river by unseasonably high inter valley transfers, that is water that was once used by our local farmers but has now being sold to irrigators further down stream. Much of this water is now used in the Sunraysia area to water large corporate Almond farms. To the ministers credit she has now put a stop to any more development into this area until a investigation can be completed into the sustainability of that industry.

I have also traveled to Canberra to present to the Murray Darling Authority board on the issues of water market transparency, inter valley transfers and the removal of water speculators from the market amongst other things.

I have also attended a forum in Euston where heads of both Victorian and New South Wales presented. There is a growing concern in both governments that the Murray Darling Plan is unsustainable in its current form. We have known this since the plans inspection but both waters ministers to their credit have decided to conduct a combined study on the sustainability of delivering water through the Goulburn River and the Barmah choke. This study received no support from the South Australian, Queensland and federal water ministers.

After pressure from many source the federal Minister for water David Littleproud has at last asked the the Australian Competition and Consumer Commission to investigate many aspects of the plan. This is at last some good news and while the final report wont be delivered until the end of next year it will address some of the concerns raised. Council and all Councillors realise the importance of this issue to our region and we will not rest until we get a better result for our farmers and our environment.

RECOMMENDATION

That the Council receive and note Cr Pattersons report on the Murray Darling Association.

11. REPORTS FROM SPECIAL AND ADVISORY COMMITTEES

Nil Received

12. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

13. DOCUMENTS FOR SIGNING AND SEALING

Nil Received

14. COUNCILLOR ACTIVITIES

14.1 Councillors Community Interaction and Briefing Program

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Councillors' Community Interaction and Briefing Program

From 1 July, 2019 to 31 July, 2019 some or all of the Councillors have been involved in the following activities:

- Heritage Advisory Committee Meeting
- Murray Darling Basin Authority & Murray Darling Association – MOU Signing
- 100th Birthday Celebration | Pauline Muirhead
- Greater Shepparton Public Health & Wellbeing Advisory Committee Meeting
- Sports Hall of Fame Advisory Committee
- 2019 Small Towns Meeting – Tatura
- Culture Corner - Turkish Community
- 2019 Mooroopna Urban Fire Brigade | Presentation Dinner
- Naidoc Week 2019 | Breakfast & Flag Raising Ceremony
- 2019 Naidoc Week | Rumbalara Co-Operative 'Elders Luncheon'
- 2019 Naidoc Week Celebration | University of Melbourne, Department of Rural Health
- Disability Advisory Committee Meeting
- Councillor Briefing | The Hon Damian Drum Federal Member for Nicholls
- Shepparton View Club's | 25th Birthday
- South Sudan Independence Day Celebration
- Syrian Nedal Restaurant | Official Opening
- Ministerial Event | Hatchery Indigenous Employment - The Hon Jaala Pulford
- Andrew Fairley & The Fairley Foundation | Morning Tea
- Optimistic Leaders Summit | Victor Perton
- Fruit Growers Victoria | Annual Dinner
- Future Voices - Nelson Mandela Regional Youth Leadership Summit Goulburn
- Broken Catchment Management Authority | Lower Goulburn - Flow Forum
- Shepparton Ethnic Council - Border Politics | Dinner & Film
- Greater Shepparton Positive Ageing Advisory Committee Meeting
- Dookie - Country Women's Association [CWA] | 90 Year Celebration
- Premier League Hockey
- Greater Shepparton Women's Charter Advisory Committee Meeting
- Senior Combined Partners Meeting
- Minister of Education | The Hon James Merlino - Ardmona Primary School 'Re-Opening' of Building
- Minister of Education Roundtable | Shepparton Education Plan
- Goulburn Valley Highway Bypass Action Group Meeting
- Celebration - Official Opening & Blessing | St Anne's College
- NerdMania | Event
- National Tree Planting Day [& Free BBQ]
- FoodShare | Councillors Visit & Tour
- Murray Darling Forum
- 2019 Local Government Mayoral Advisory Panel [LGMAP]

14. COUNCILLOR ACTIVITIES

14.1 Councillors Community Interaction and Briefing Program (continued)

In accordance with section 80A of the *Local Government Act 1989* records of the Assemblies of Councillors are attached.

RECOMMENDATION

That the summary of the Councillors' community interaction and briefing program be received, and record of Assemblies of Councillors be noted.

Attachments

1.	Sir Murray Bouchier Advisory Committee - 3 May 2019 ↓	Page 66
2.	Shepparton Art Museum - Advisory Committee - Minutes - 26 June 2019 ↓	Page 67
3.	Councillor Briefing Session - 2 July 2019 ↓	Page 73
4.	CEO and Councillor Catch Up - 2 July 2019 ↓	Page 74
5.	Councillor Briefing Session - 9 July 2019 ↓	Page 75
6.	CEO and Councillor Catch Up - 9 July 2019 ↓	Page 77
7.	Councillor Briefing Session - 23 July 2019 ↓	Page 78
8.	CEO and Councillor Catch Up - 23 July 2019 ↓	Page 79
9.	Councillor Briefing Session - 30 July 2019 ↓	Page 81
10.	CEO and Councillor Catch Up - 30 July 2019 ↓	Page 83

10. URGENT BUSINESS NOT INCLUDED ON THE AGENDA

15. CONFIDENTIAL MANAGEMENT REPORTS

15.1 Designation of Confidentiality of Information – Report Attachments

RECOMMENDATION

In accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act) the Council designates as confidential all documents used to prepare the following agenda item previously designated by the Chief Executive Officer in writing as confidential under section 77(2)(c) of the Act.

1. Report 7.1: Contract 1922 - Design of Maude Street Mall Precinct Redevelopment. This document relates to a contractual matter, which is a relevant ground applying under sections 89(2)(d) of the Act.