



Council Meeting

Minutes

Tuesday, 28 February 2023
Council Chamber - Civic Centre

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.



COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan

Chandler Ward: David Eastham

Chirnside Ward: Richard Higgins

Lyster Ward: Johanna Skelton

Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child

Ryrie Ward: Fiona McAllister

Streeton Ward: Andrew Fullagar

Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose

Director Built Environment & Infrastructure,
Hjalmar Philipp

Director Communities, Jane Price

Director Corporate Services, Andrew Hilson

Director Planning and Sustainable Futures,
Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 575TH COUNCIL MEETING HELD ON TUESDAY, 28 FEBRUARY 2023 COMMENCING AT 7.01 PM COUNCIL CHAMBER - CIVIC CENTRE

1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then read the Acknowledgement of Country, and welcomed all present.

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Jim Child (Mayor)

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Sophie Todorov (Deputy Mayor)

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Andrew Hilson, Director Corporate Services

Jane Price, Director Communities

Hjalmar Philipp, Director Built Environment & Infrastructure

Damian Closs, Acting Director Planning & Sustainable Futures

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor David Eastham.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr McAllister

Seconded: Cr Cox

That the Minutes of the Council Meeting held Tuesday 14 February 2023 as circulated, be confirmed.

The motion was Carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no disclosures of conflicts of interest made for this meeting.

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

QUESTION 1

Jenny Matthews, a resident of Lilydale, asked:

Has the new Yarra Ranges Health and Wellbeing advisory committee been selected to be unbiased and representative of a wide range of community opinions and experiences, or were members selected because they are supportive and agreeable to council decisions and plans?

Please include the following five points in your answer:

- *Why the Health and Wellbeing advisory Committee's Terms of Reference seem geared towards selecting a committee who agrees to support council's existing Health and Wellbeing Plans and support decisions of the council, and support council officers in the development of new plans.*
- *Whether it's possible within the scope of the Terms of Reference for a committee member to object, disagree or disapprove of any council decision or any part of the Health and Wellbeing plans.*
- *Whether it's possible within the scope of the Terms of Reference that a committee member could abstain from supporting the council on implementing the current Health and Wellbeing Plan 2021-2025, some of which is based on outdated science predictions.*
- *If during the selection process, committee members were asked to reveal their current vaccination status, please advise if there is at least one appointed committee member who isn't covid vaccinated, who could be representative and understanding of the growing number of vaccine hesitant people in the Yarra Ranges community.*
- *Include whether the new Health and Wellbeing advisory committee will be involved democratically in their meetings in the draft development of future Yarra Ranges Health and Wellbeing plans.*

Jane Price, Director Communities:

Thank you for your question, Jenny.

The Health and Wellbeing Advisory Committee has been established to:

- ensure there is a localised community voice to Council for people with an interest in community health and wellbeing in Yarra Ranges;*
- assist in the consultative process and provide feedback on Council processes, policies, and supporting Council's decision making with regard to health and wellbeing; and*
- monitor the progress of objectives under the Health and Wellbeing Plan, and support the four-yearly development of a new Health and Wellbeing Plan*

Committee members are actively encouraged to provide their views and input, influence and advocate on Council processes, projects, plans and strategies, however this committee is not a decision making body for Council.

During the selection process, committee members were not asked to provide current vaccination status.

In 2025, Local Government is required to prepare a new municipal public health and wellbeing plan in which the Health and Wellbeing Advisory Committee will be invited to provide input, as well as the broader Yarra Ranges community. In addition, the easiest way to get involved and make a difference is by visiting our [Shaping Yarra Ranges](https://shaping.yarraranges.vic.gov.au/) - <https://shaping.yarraranges.vic.gov.au/> pages and 'Having your say' on a range of different projects.

QUESTION 2

Jenny Matthews, a resident of Lilydale, asked:

Over the last few years many people within the Yarra Ranges have become sick and tired of government departments, bureaucrats and committees overreaching into their daily lives, under the guise of health. Many people including myself, who were not previously interested in bureaucracy, now want to stand up and participate democratically in local governance decisions which affect our friends and families and our community.

How can the people of our community, who are not part of the newly selected Health and Wellbeing advisory committee have their voices heard and participate democratically in council decision making, especially being involved in the implementation of the current Yarra Ranges Health and Wellbeing Plan 2021-2025 and the process of drafting future Health and Wellbeing Plans?

Jane Price, Director Communities:

Thank you for your question, Jenny.

Community members who are not members of Council advisory committees can still have their say, this can occur through the Shaping Yarra Ranges page of Council's website or by attending deliberate community engagement events facilitated by Council, as well as directly to Council Officers and Councillors.

The Public Health and Wellbeing Act specifies what must be included in a municipal public health and wellbeing plan, including the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan. This will include both the advisory committees of Council and broader community engagement opportunities.

QUESTION 3

Brent Grogan, a resident of Monbulk, asked:

My question is, in the business papers 10.2 and 10.3 at the 14th February council meeting there is a section that states: CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

Seeing this meeting was shut down and the public ejected from the rest of the meeting, how can a motion be put on this, seconded, and passed when clearly that the discussion wasn't open to the public.

Andrew Hilson, Director Communities:

Thank you for your question, Brent.

The entire 14th February 2023 Council meeting was conducted in Council's Lilydale Civic Centre with a full public gallery of approximately 150 people. The meeting was also live streamed on Council's website.

Your question might be referring to the 31st January 2023 Council meeting which was opened but shortly thereafter was adjourned as a result of disruption from the gallery. The Mayor requested the gallery to be cleared, with the exception of those who formally registered to speak prior to the meeting. After an adjournment, that meeting then resumed and continued as scheduled, and was live-streamed via Council's website for the public to view.

In accordance with section 66 of [The Local Government Act 2020](#) and Rule 3 of the [Governance Rules](#), live streaming a Council meeting or making a recording of the meeting available to the public at the conclusion of the meeting satisfies the requirement of a Council meeting to be 'open to the public'.

QUESTION 4

Ian Bergwerf, a resident of Lilydale, asked:

Given Australia is a parliamentary democracy, a growing number of people are concerned about interference from foreign organisations such as the World Economic Forum, the W.H.O & the U.N.

In light of these concerns, can council please confirm if the Urban Design Framework encompass' any of the 17 sustainable Development Goals as outlined in Plan Melbourne, which were developed by the United Nations in 2015.

I respectfully request that such response be answered a simple YES or NO reply.

Tammi Rose, Chief Executive Officer:

Yes, The UDF does encompass some but not all of the 17 Sustainable Development Goals, there is some further context, and I will ask Mr Gloss to respond.

Damian Closs, Acting Director Planning & Sustainable Futures:

The 17 SDGs were only published in 2015 by the United Nations but reflect the culmination of several decades of Planning research into creating cities that support thriving communities and protect our natural assets, hence it is likely there would be similarities. The two Urban Design Frameworks currently out for public consultation have been developed using best practice Planning industry standards and Planning Practice Notes published by the Department of Transport and Planning (DTP), but have not directly drawn on or referenced the United Nations Sustainable Development Goals.

QUESTION 5

Anonymous asked:

What professional medical staff does council employ to determine that poor health is caused by any particular factor, e.g, food pollution, flouridation, vaccination etc. Does council propose employing a health department to implement it's health and wellbeing plan?

Jane Price, Director Communities:

Council is not a research or medical institution, as such, Council relies on research, data and advice of peak health organisations, universities and State Government agencies. Council employs appropriately qualified health professionals to support the analysis of data/information to develop and implement the Municipal health and wellbeing plan.

QUESTION 6

John Drain, a resident of Mooroolbark, asked:

Page 104 [of the Health and Wellbeing Plan] Where did council get the statistical information, who was surveyed and when? Can I get access to the survey data pertaining to Yarra Ranges only?

Jane Price, Director Communities:

Thank you for your question, John.... Data and information that has informed the development of the Health and Wellbeing plan is listed on page 166 of the Plan under References. Most of this information is readily available and accessible online such as Census and population health data.

QUESTION 7

Anonymous asked:

Given that there is bush fire risk throughout the Shire of Yarra Ranges what is Yarra Ranges Council stance on high density housing? Include which areas YR council would allow high density housing and which areas YR Council will not allow high density housing henceforth.

Please be aware that rezoning areas of the Shire of Yarra Ranges to allow high density housing in bush fire risk areas may result in loss of life in the future. There are many places that have only 1, 2 or 3 ways in or out.

Damian Closs, Acting Director Planning & Sustainable Futures:

Thank you for your question.

Land in Yarra Ranges that has high fire risk has a Bushfire Management Overlay applied to ensure protection measures for development are met, and to ensure that development does not proceed unless risk to life and property is managed to an acceptable level. As set out in Clause 13.02 (Bushfire) of the Planning Scheme any land rezoning to a more sensitive use such as for housing cannot be approved if it will result in the intensification of development in an area that will result in a Bushfire Attack Level (BAL) of more than 12.5.

Yarra Ranges Planning Scheme provides direction on where increased residential development can occur, in addition we are currently preparing a new Housing Strategy to guide future housing demand and location. The Housing Strategy Discussion Paper available on Council's Shaping Yarra Ranges website: <https://shaping.yarraranges.vic.gov.au/housing-strategy-review> includes maps that shows that future higher density housing is to be concentrated inside the Urban Growth Boundary in established residential areas, such as Lilydale, Mooroolbark, Kilsyth and Chirnside Park.

There are strong communications put out by CFA to educate residents in Fire Prone Areas to have Fire Safety Plans that can be implemented at times of high risk to maximise their safety.

There were no Submissions listed on the Agenda for this meeting.

9 PETITIONS

In accordance with Chapter 3, Rule 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

9.1 Petition to Council

SUMMARY

The following petitions have been received:

Late General Petitions

1. Owners of properties along Wedderburn Crescent, Mount Evelyn would like Council to seal the road via Special Charge Scheme. 13 valid signatures.

In accordance with Governance Rule 58, Liam Jackson spoke in support of the recommendation included in the officer report.

Moved: Cr Heenan

Seconded: Cr Higgins

That the following late General Petitions be received and noted and referred to the appropriate officer.

1. *Request for road sealing for Wedderburn Crescent, Mount Evelyn, under a Special Charge Scheme.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Former Lilydale Quarry Affordable Housing Delivery Strategy

SUMMARY

As part of the rezoning of the former Lilydale Quarry site, a five (5) percent affordable housing contribution was approved under Planning Scheme Amendment C203 to the Yarra Ranges Planning Scheme and formally introduced into the Comprehensive Development Zone Schedule 1 (CDZ1) applying to the site.

In accordance with the provisions of the CDZ1, an Affordable Housing Delivery Strategy (the Strategy) has been submitted for approval. Under the CDZ1, the Strategy must be to the '*satisfaction of the responsible authority*' and an Affordable Housing Section 173 Agreement that secures and implements the Strategy must be finalised before permits can be granted to develop the site.

The Strategy proposes a five (5) percent affordable housing contribution and commits to providing a total of 162 affordable housing dwellings (based on a total site yield of 3,050 dwellings). The affordable housing contribution is broken into two categories comprising 2.5 percent social housing (81 dwellings) and 2.5 percent (81) affordable purchase dwellings. The social housing contribution involves the gifting of land to the not-for-profit housing organisation Haven; Home, Safe (or an equivalent housing partner) for it to construct the 81 social housing units (1 and 2 bedroom apartment style housing). The remaining 2.5 percent affordable housing is proposed to be offered as affordable purchase dwellings to 'key workers' (equivalent to moderate income level households) at market value.

The Strategy has been assessed against section 3AA of the *Planning and Environment Act 1987* and Specified Matters outlined in the Ministerial Notice as well as consideration against Council's own research and housing policies. This assessment found that the Strategy only partially meets the various requirements under the Act and modifications are recommended to ensure consistency with the Act and Council's requirements. Given that those in greatest housing need are from Very low and Low income level households who are not in a position to purchase a home, it is recommended that the social housing component be increased from 2.5 percent to at least 3.5 percent. It is also recommended that delivery of the social housing be brought forward by providing a portion within Precinct 1, which will be developed first. The affordable home purchase component can also be improved by ensuring the program is overseen by an independent housing organisation and further details are provided confirming the eligibility criteria. Other recommended changes and improvements to the Strategy are detailed in the report.

In accordance with Governance Rule 58, Kate Coleman spoke in support of the recommendation included in the officer report.

Moved: Cr Todorov
Seconded: Cr Heenan

That

1. *Council note the Former Lilydale Quarry Affordable Housing Delivery Strategy and submission of the document to satisfy the provisions of Schedule 1 to Clause 37.02 of the Yarra Ranges Planning Scheme.*
2. *Council notify the applicant that it will approve an amended strategy generally in accordance with the recommendations of Attachment 1 and delegate its approval to the Chief Executive Officer.*

The motion was Carried unanimously.

10.2 Quarterly Finance Report - December 2022

SUMMARY

The attached quarterly finance report has been prepared as at 31 December 2022. The report includes financial year-to-date data up to quarter two of the 2022-23 financial year and is compared to the adopted budget and the forecast projections for the full year to 30 June 2023.

Moved: Cr Fullagar

Seconded: Cr McAllister

That Council

1. *Receives and notes the Finance Report for the six months from 1 July 2022 to 31 December 2022 for the purpose of Section 97 of the Local Government Act 2020.*
2. *Approves and adopts the Capital Works Transfers as outlined in the December Quarterly Capital Works Report.*

The motion was Carried unanimously.

10.3 Disability Advisory Committee Annual Report

SUMMARY

The Disability Advisory Committee (the Committee) was established in 2012 as an advisory committee to Council.

The Committee provides:

- An advisory process for Council's roles and responsibilities to ensure all aspects of the business are accessible to people with a disability and their families.
- A consultative process for a wide range of Council activities and initiatives.
- Advice to support Council's decision making.
- A mechanism to support monitoring of progress in meeting the objectives of the Equity Access and Inclusion Strategy.

This report presents an Annual Report of the Committee's activities (Attachment 1).

Moved: Cr Cox

Seconded: Cr McAllister

That Council receive and note the Annual Report of the Disability Advisory Committee.

The motion was Carried unanimously.

10.4 Construction of New Basketball Court and Associated improvements at Kilsyth Sports Complex, Pinks Reserve

SUMMARY

This report summarises the evaluation process and seeks Council approval for the awarding of the construction contract to the successful tenderer for a new Basketball Court and associated improvements at Kilsyth Sports Complex, Pinks Reserve.

The project includes the following works:

The project scope will deliver:

1. Badminton works, including external cladding replacement, internal linings and insulation, accessibility upgrades and flood protection works to the badminton entry.
2. Rainwater harvesting and Water Sensitive Urban Design works.
3. Changing Places (Adult accessible change room with hoist system including shower and toilet).
4. A new compliant Basketball Court including all associated amenities, storage, access, and fire protection works.
5. Fire protected corridor link from existing basketball area and required fire protection works to the existing external building.
6. Fully renewed and compliant amenities to the existing dilapidated amenities including additional amenities to service courts 1,2 & 3.
7. New compliant accessible changerooms to cater for the new court and show court and provide provision for wheelchair basketballers.
8. Service upgrades and all associated works and making good.
9. Flood Mitigation works to protect the existing Badminton /Table tennis buildings which is essential for the project and its future proofing against 1 in 100-year flood events.

The project consists of both new works and renewal/refurbishment work, the project is being funded in partnerships with the State Government and the Eastern Sports Development Ltd.

Moved: Cr Cox

Seconded: Cr Skelton

That Council

1. *Award the contract to construct a new basketball court and associated facilities to Newpol Construction Pty Ltd for the Lump Sum price of \$8,080,196.00 excluding GST (\$8,888,251.60 including GST) and adopted provisional sums and cost saving options.*
2. *Approve a funding allocation for the project of \$2,116,324.13 excluding GST from Council's Capital Expenditure Program Asset Renewal Reserve and future Asset New & Investment Reserve, as detailed in Confidential Attachment 1.*
3. *Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.*
4. *The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

11 COUNCILLOR MOTIONS

In accordance with Chapter 3, Division 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions listed on the agenda for this meeting.

12 ITEMS THROUGH THE CHAIR

There were no Items Through the Chair received for this meeting.

13 REPORTS FROM DELEGATES

Cr Skelton:

- Attended the Regional Community Recovery Committee meeting held 15 February 2023, the meeting was held via videoconference.
- Attended the Indigenous Advisory Committee meeting held 21 February 2023 at the Yarra Ranges Council Civic Centre.
- Attended the Eastern Alliance for Greenhouse Action group meeting held 23 February 2023.
- Thanked the Upwey Community Group for the invitation to attend their meeting. Cr Fullagar also attended the meeting.

Cr Fullagar:

- Attended the Eastern Transport Coalition Committee Meeting held 16 February 2023. Cr Fullagar informed the Councillors of the election of Cr Stuart James (Monash Council) and Cr Susan Lauken (Knox Council) as Chair and Deputy Chair.
- Attended the Eastern Regional Library Board Meeting held 16 February 2023 at the Knox Civic Centre, Wantirna South. Cr Fullagar informed the Councillors of the election of Cr Timmers-Leitch (Knox Council) and himself as Chair and Deputy Chair. The Mayor also attended the meeting.

Cr McAllister

- Attended the Audit and Risk Management Committee held 20 February 2023 at the Yarra Ranges Council Civic Centre. Cr McAllister informed the Councillors that the current Chair of the Committee, Bev Excell, will end her term as Chair in May 2023. The Mayor also attended the meeting.

Cr Todorov

- Attended the first Health and Well Being Advisory Committee Meeting held on 23 February at the Yarra Ranges Council Civic Centre.

Cr Heenan

- Attended an Eastern Affordable Housing Alliance Workshop on Thursday 23 February, at the Knox Civic Centre, Wantirna South.

Cr Child

- Attended the Eastern Region Group of Councils Meeting on the 24 February at the Realm, Ringwood. The Chief Executive Officer also attended the meeting.
- Attended the Interface Council Group Forum on Thursday 14 February in Melbourne. The Chief Executive Officer also attended the meeting.

14 DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing received for this meeting.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Child

Seconded: Cr Higgins

That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.

The motion was Carried unanimously.

16 URGENT BUSINESS

There was no Urgent Business received for this meeting.

17 CONFIDENTIAL ITEMS

In accordance with section 66(2)(a) of the Local Government Act 2020.

There were no Confidential Items listed on the agenda for this meeting.

18 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 8.29 pm.

Confirmed this day, Tuesday, 14 March 2023.

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Councillor Jim Child (Mayor)