



# Council Meeting

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**Minutes**

**Tuesday, 10 December 2024**  
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 and waterways.

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:** Gareth Ward  
**Chirnside Ward:** Richard Higgins  
**Lyster Ward:** Peter Mcilwain  
**Melba Ward:** Mitch Mazzarella

**O'Shannassy Ward:** Jim Child  
**Ryrie Ward:** Fiona McAllister  
**Streeton Ward:** Jeff Marriott  
**Walling Ward:** Len Cox

### CHIEF EXECUTIVE OFFICER & DIRECTORS

**Chief Executive Officer,** Tammi Rose  
**Director Built Environment & Infrastructure,** Hjalmar Philipp  
**Director Communities,** Leanne Hurst

**Director Corporate Services,** Kim O'Connor  
**Director Planning and Sustainable Futures,** Kath McClusky

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### 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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### **CONTACT US**

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 616<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 10 DECEMBER 2024 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE

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### 1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

### 2 ACKNOWLEDGEMENT OF COUNTRY

Cr Mazzarella then read the Acknowledgement of Country, and welcomed all present.

### 3 INTRODUCTION OF MEMBERS PRESENT

#### Councillors

Councillor Jim Child (Mayor)

Councillor Jeff Marriott  
Councillor Peter Mcilwain  
Councillor Gareth Ward  
Councillor Mitch Mazzarella  
Councillor Fiona McAllister  
Councillor Tim Heenan  
Councillor Richard Higgins (Deputy Mayor)  
Councillor Len Cox OAM

#### Officers

Tammi Rose, Chief Executive Officer  
Hjalmar Philipp, Director Built Environment & Infrastructure  
Leanne Hurst, Director Communities  
Ben Waterhouse, Acting Director Corporate Services  
Amanda Kern, Acting Director Planning and Sustainable Futures

### 4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

### 5 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.*

Cr Marriott declared a general interest in respect of Item 10.1. A written notice was supplied to the Chief Executive Officer under Governance Rules Chapter 7 Sub-Rule 3.1b.

## 6 MAYORAL ANNOUNCEMENTS

The Mayor acknowledged former Councillor and Mayor of Yarra Ranges Council, Tony Stevenson in the Gallery for the Council Meeting.

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Child**

**Seconded: Cr Higgins**

*That the Minutes of the Council Meeting held Tuesday 26 November 2024, as circulated, be confirmed.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## 8 QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

*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.*

### QUESTIONS TO COUNCIL

#### QUESTION 1

*In accordance with Governance Rule 59.10, Stan Giles read their Question to Council*

**Stan Giles of Monbulk asked;**

*When, exactly, will the security guards at council Meetings be removed, and the barrier in the chamber taken down. If this will not happen what is the Business Case to justify the continued drain on Ratepayers, and the ROI that we can see in transparent Council paperwork and where will we find it?*

**Ben Waterhouse, Acting Director Corporate Services**

*Thank you, Stan, and thank you for coming in attendance this evening as well.*

*Council takes the health and safety of staff councillors, and community members with the utmost seriousness. So the return on investment or the benefits are reflected in the safe and respectful environment of council meetings which we all enjoy this evening, which is a fundamental responsibility of council, the engagement of external security in the*

*installation of the security barrier, as you pointed out for public meetings, is a standard operating procedure to help ensure Council meets its obligations to conduct an orderly and safe meeting.*

*I can confirm that there are no plans to remove the Security Guards or the barrier at this stage.*

*The utilization of security, and the barrier is approved within management and executive oversight, including business case consideration at the time of which it was implemented.*

*Thank you Stan.*

## **QUESTION 2**

**Karen Duke of Warburton asked;**

*Could 'no standing' signs please be put on the residential side of Dammans Road and up the residential side streets off Dammans Road in Warburton as soon as possible. I know that for years residents have requested this by various council project managers that have included our community development officer, WMBD officers, and council planners.*

*Nothing has happened or got done. It is a major safety hazard having vehicles parked on both sides of Dammans Road and up the side streets. There is no possible way for emergency services to get through or for residents to go about their daily lives being blocked in and out of their homes.*

*Could 'no standing' signs be put up as soon as possible before more visitors come to an overcrowded area as this is happening now and an ongoing concern of residents.*

**Hjalmar Philipp, Director Built Environment and Infrastructure**

*Thank you very much for your question, and sharing your observations of parking in that area.*

*Your request for the installation of no stopping signage on Dammans Road and its side streets has been forwarded to our Traffic Engineering Team for further investigation, and a team member will contact you this week to discuss the matter in more detail.*

*Thanks again.*

## **QUESTION 3**

**Anonymous asked;**

*Community would like to know why the council agenda is not up online on the YRC website until late Friday night or the Saturday morning only a few days before the council meeting. It has been like this for a few months.*

*It is meant to be up a week before the meeting. Online it says Pre-agenda that will not open.*

*Then the actual agenda is only available very late to view. This is not enough time for the residents and community to view, respond or become involved in what council will be discussed at meetings.*

*Could council please clarify this?*

## **Ben Waterhouse, Acting Director Corporate Services**

*Thank you for your Question.*

*As set out in the Yarra Ranges Council Governance Rules, agendas must be available for all Council meetings a minimum 48 hours prior the meeting.*

*Whilst it is always Councils priority to have the agendas available on the Thursday morning prior to a Council Meeting, this is not always possible.*

*There were minor delays in finalising business papers for the agenda for tonight's Council Meeting, and as such the agenda was not published on Thursday as preferred.*

*This agenda was however available to the public last Friday 6th December. This timeline still allowed community members time to view the agenda and business papers for several days prior to tonight's meeting. Thank you.*

## **SUBMISSIONS TO COUNCIL**

### **Recycling Laptop for Schools Program**

Ray Cooper provided Councillors with an update on his Recycling Laptop for Schools Program and sought support from Council.

*The Mayor referred the matter to the Chief Executive Officer for further investigation.*

### **Vertical Fiscal Imbalance**

Tony Stevenson raised concerns with Councillors regarding the fiscal imbalance faced by Council due to State and Federal Government obtaining majority of revenue, which impacts on Council's ability to meet the needs of community.

*The Mayor referred the matter to the Chief Executive Officer to investigate adding to Council's Advocacy Agenda.*

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## **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.*

There were no Petitions received for this meeting.



## 10 BUSINESS PAPER

### 10.1 YR-2023/951 - 23 Maddens Lane, Gruyere - Planning Report

#### SUMMARY

The planning application seeks approval to use and develop the site for a winery and small second dwelling, licenced premises, and display of business identification signs, at 23 Maddens Lane, Gruyere. The proposal includes retaining the existing dwelling and outbuildings on the site.

The application was advertised, and sixteen (16) objections were received. Objectors raised concerns of whether the use constitutes a winery, as well as concerns that this is an overdevelopment of the site, future expansion of the use, the proposal not aligning with Green Wedge Zone, the small second dwelling being used for tourism accommodation and concerns of offsite amenity impacts from use.

An assessment of the application against the requirements of the Yarra Ranges Planning Scheme, including the relevant planning policies for economy, agriculture and housing has found that the application meets the requirements and is a suitable planning outcome for the site.

Overall, the proposal responds to the constraints of the site, including residential interfaces. The proposal respects the existing viticultural use of the land and the surrounding land uses and provides a small-scale winery within an established agricultural and rural area.

It is recommended that the application be approved, and a Notice of Decision to Grant a Permit be issued subject to conditions to manage the surrounding amenity impacts (attachment 1).

*Cr Marriott left the meeting at 7:42 prior to consideration of the item, having declared a conflict of interest in this item.*

*In accordance with Governance Rule 58, Jacqui Paterson spoke in objection to the recommendation included in the officer report.*

*In accordance with Governance Rule 58, Mandy Edwards spoke in support of the recommendation included in the officer report.*

*Cr McAllister moved, and Cr Higgins seconded, an amendment to the motion.*

*In accordance with Governance Rule 29.1, Cr McAllister, Cr Heenan and Cr Mazzarella spoke to the Motion.*

**Moved: Cr McAllister**  
**Seconded: Cr Higgins**

*That Council*

1. *Resolve to approve Planning Application YR-2023/951 for use and development of a winery (associated with an existing vineyard), and a small second dwelling, licenced premise, and display of business identification signs at 23 Maddens Lane, Gruyere, and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report, with inclusion of the four new conditions;*
  28. *At all times, all vehicles associated with the winery use of the land must enter and exit the site in a forward direction.*
  29. *Without the prior consent of the responsible authority, all commercial vehicles associated with the winery use must not exceed Austroads 8.8m MRV (Medium Rigid Vehicle).*
  30. *All commercial vehicle delivery associated with the winery use of the land must only occur after 7 am and outside the operating hours of cellar door unless with the prior written consent of the responsible authority.*
  31. *All designated cellar door car parking spaces must be unoccupied at any time that commercial deliveries are occurring unless with the prior written consent of the responsible authority.*
2. *Renumber conditions 28, 29, 30, 31, 32, 33, 34, 35 and 36 to 32, 33, 34, 35, 36, 37, 38, 39 and 40.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister and Cr Cox.*

*Against: Nil*

*Cr McAllister left the meeting at 8.05pm following the vote being taken.*

*Cr Mcilwain left the meeting at 8.06pm following the vote being taken.*

*Cr Marriott returned to the meeting at 8:06 following debate and the vote being taken.*

## 10.2 2025 Council Meeting Dates

### SUMMARY

It is a requirement that Council set the date, time and place of all Council meetings.

This report provides a proposed schedule of Council meeting dates for the 2025 calendar year.

Once considered by Council the meeting schedule will be formally advertised, and details placed on Council's website. Historically, Yarra Ranges Council meetings have been held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7:00 pm, with a break provided over the Christmas period.

This report proposes to retain a fortnightly Council meeting cycle throughout 2025. Except for April and September where only one Council meeting will be scheduled per month.

*Cr McAllister returned to the meeting at 8.08pm prior to a vote being taken.*

*Cr McIlwain returned to the meeting at 8.08pm prior to a vote being taken.*

Moved: Cr Cox

Seconded: Cr Mazzarella

That Council

1. Adopt the 2025 schedule of Council meetings as follows:

Tuesday, 28 January 2025	Tuesday, 8 July 2025
Tuesday, 11 February 2025	Tuesday, 22 July 2025
Tuesday, 25 February 2025	Tuesday, 12 August 2025
Tuesday, 11 March 2025	Tuesday, 26 August 2025
Tuesday, 8 April 2025	Tuesday, 9 September 2025
Tuesday, 22 April 2025	Tuesday, 14 October 2025
Tuesday, 13 May 2025	Tuesday, 28 October 2025
Tuesday, 27 May 2025	Tuesday, 11 November 2025
Tuesday, 10 June 2025	Tuesday, 25 November 2025
Tuesday, 24 June 2025	Tuesday, 9 December 2025

2. Convene all Council meetings to commence at 7:00 pm at the Yarra Ranges Council Office, Lilydale, Victoria, unless otherwise specified in a public notice.

3. Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.

The motion was Carried unanimously.

*Cr Mazzarella moved, Cr McAllister seconded, a procedural motion to change the original motion to amend the meeting dates on advice from the CEO during the meeting.*

*In accordance with Governance Rule 29.1, Cr Mazzarella and Cr McAllister spoke to the Motion.*

**Moved: Cr Mazzearella**  
**Seconded: Cr McAllister**

*That Council*

1. *Adopt the 2025 schedule of Council meetings as follows:*

<i>Tuesday, 28 January 2025</i>	<i>Tuesday, 8 July 2025</i>
<i>Tuesday, 11 February 2025</i>	<i>Tuesday, 22 July 2025</i>
<i>Tuesday, 25 February 2025</i>	<i>Tuesday, 12 August 2025</i>
<i>Tuesday, 11 March 2025</i>	<i>Tuesday, 26 August 2025</i>
<i>Tuesday, 25 March 2025</i>	<i>Tuesday, 9 September 2025</i>
<i>Tuesday, 8 April 2025</i>	<i>Tuesday, 14 October 2025</i>
<i>Tuesday, 13 May 2025</i>	<i>Tuesday, 28 October 2025</i>
<i>Tuesday, 27 May 2025</i>	<i>Tuesday, 11 November 2025</i>
<i>Tuesday, 10 June 2025</i>	<i>Tuesday, 25 November 2025</i>
<i>Tuesday, 24 June 2025</i>	<i>Tuesday, 9 December 2025</i>

2. *Convene all Council meetings to commence at 7:00 pm at the Yarra Ranges Council Office, Lilydale, Victoria, unless otherwise specified in a public notice.*
3. *Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzearella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

### 10.3 Councillor Appointments to Committees and External Bodies

#### SUMMARY

Each year Council appoints representatives to several committees and external bodies. Approval is sought to appoint Council representation to the committees and external bodies listed for the period December 2024 to November 2025.

A list of the appointments recommended to be made to committees and external bodies is included at Attachment One.

*Cr Heenan moved, and Cr Mcilwain seconded, an amendment to the motion.*

*In accordance with Governance Rule 29.1, Cr Heenan spoke to the Motion.*

**Moved: Cr Heenan**

**Seconded: Cr Mcilwain**

*That Council*

- 1. Delay the appointment of representatives to the Eastern Affordable Housing Alliance (EAHA) and Eastern Transport Coalition (ETC) until a review has been undertaken by the Eastern Region Group of Councils.*
- 2. Amend Attachment 1 to the report to reflect this change.*
- 3. Approve the appointment of representatives to committees and external bodies for the period December 2024 to November 2025, as per the amended Attachment 1 to the report.*
- 4. Delegate authority to the Chief Executive Officer, in consultation with Mayor, to appoint representatives to Eastern Affordable Housing Alliance (EAHA) and Eastern Transport Coalition (ETC) once a review has been concluded.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## 10.4 EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation - Stage 2

### SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for stage two of Maddens Lane Road Rehabilitation works.

Maddens Lane, Gruyere/Coldstream (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with allocated funding of \$2,573,600 across two financial years – 2023/2024 (\$1,023,600) and 2024/2025 (\$1,550,000).

Maddens Lane is being reconstructed under two contracts. Contract EOI6105 7359: Maddens Lane Road Rehabilitation was awarded to Prestige Paving Pty Ltd at the Council meeting on 28 November 2023 and is for the reconstruction of Maddens Lane from Medhurst Road to Spring East Lane. The main works under this contract were constructed over 2023/2024 and early 2024/2025, with a final spray seal scheduled for March 2025.

This council report considers the award of EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2, being for the section of Maddens Lane from Spring East Lane to Maroondah Highway.

*In accordance with Governance Rule 29.1, Cr McAllister spoke to the Motion.*

**Moved: Cr McAllister**

**Seconded: Cr Mazzarella**

*That*

- 1. Council accepts the quotation from TDM Earthworks Pty Ltd to EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2 for the total lump sum price of \$894,550.69 (exclusive of GST and inclusive of provisional sums), (\$984,005.76 inclusive of GST and inclusive of provisional sums).*
- 2. Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.*
- 3. 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.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## **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**

### **12.1 Lilydale & Melba Festival Street Fair**

Cr Mazzarella congratulated the Lilydale Township Action Group on the successful Lilydale & Melba Festival Street Fair held on 8 December 2024.

### **12.2 Federal Government Funding Announcement**

Cr McAllister noted the Federal Government Thriving Suburbs Program funding announcement of \$5.7 million, which helps Yarra Ranges Council fund community infrastructure projects such as Lillydale Lake improvement works and a new community and sporting pavilion at Don Road. Cr McAllister thanked all officers involved in securing the funding.

### **12.3 Federal Government Funding Announcement**

Cr Heenan also noted the Federal Government Thriving Suburbs Program funding announcement for Lillydale Lake improvement works and noted the lake recently winning the prestigious international Green Flag Award for well-managed parks and green spaces.

### **12.4 Lilydale & Melba Festival Street Fair**

Cr Heenan also congratulated the Lilydale Township Action Group on the successful Lilydale & Melba Festival Street Fair held on 8 December 2024.

### **12.5 Holy Fools Christmas Hamper Packing**

Cr Heenan informed Council the Holy Fools Christmas Hamper Packing will be occurring soon and encouraged community to donate through the purple bins located throughout the Municipality to help reach Holy Fools target of 400 hampers.

### **12.6 Kilsyth Festival**

Cr Cox attended the Kilsyth Festival on 24 November 2024. Cr Cox thanked all the members of the Kilsyth Action Group for the work they have put into the event.

### **12.7 International Day of People with Disability**

Cr Cox attended the International Day of People with Disability event hosted by Yarra Ranges Council. Cr Cox noted the significant attendance and thanked everyone who contributed to the success of the event.

### 13 REPORTS FROM DELEGATES

Cr Child

- Attended the Eastern Regional Group of Councils held on 6 December 2024 at the Realm, Maroondah City Council. The meeting was also attended by Cr Higgins and the Chief Executive Officer.

### 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

*In accordance with Governance Rule 29.1, Cr Child and Cr Heenan spoke to the Motion.*

**Moved: Cr Child**

**Seconded: Cr Heenan**

*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.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

### 16 URGENT BUSINESS

There were no Urgent Business listed on the agenda for this meeting.



## 17 CONFIDENTIAL ITEMS

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

*In accordance with Governance Rule 29.1, Cr Child and Cr Cox spoke to the Motion.*

**Moved: Cr Child**  
**Seconded: Cr Cox**

*That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.*

### *17.1 Property Sales Update*

*Item 17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.*

### *17.2 CT7035 Cumulative Variation Report, Kilsyth Sports Centre, Pinks Reserve Contract*

*Item 17.2 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (g)(ii) Private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## 17.1 Property Sales Update

*Confidential Item*

## 17.2 CT7035 Cumulative Variation Report, Kilsyth Sports Centre, Pinks Reserve Contract

*Confidential Item*

**18            DATE OF NEXT MEETING**

There being no further business the meeting was declared closed at: 8.46 pm.

Confirmed this day, Tuesday, 28 January 2025.

.....

**Councillor Jim Child (Mayor)**