

# Council Meeting

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## Minutes

**Tuesday, 26 August 2025**  
Council Chamber - Civic Centre

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nation peoples 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,** Vincenzo Lombardi  
**Director Planning and Sustainable Futures,** Kath McClusky

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- 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.

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## **CONTACT US**

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 630<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 26 AUGUST 2025 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 Marriott then read the Acknowledgement of Country.

### 3 INTRODUCTION OF MEMBERS PRESENT

#### Councillors

Councillor Jim Child (Mayor)

Councillor Richard Higgins (Deputy Mayor)

Councillor Jeff Marriott

Councillor Peter McIlwain

Councillor Gareth Ward

Councillor Mitch Mazzearella

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Len Cox OAM

#### Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Kath McClusky, Director Planning & Sustainable Futures

Leanne Hurst, Director Communities

Vincenzo Lombardi, Director Corporate Services

### 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.*

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

## 6 MAYORAL ANNOUNCEMENTS

### **Porepukah Police Shooting**

The Mayor acknowledged the fatal shooting of two Victoria Police Officers in the Victorian town of Porepukah. and wished the Victoria Police Officer who was injured a speedy recovery. The Mayor acknowledged all Emergency Service Officers serving in demanding and extreme conditions.

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Mazzearella**

**Seconded: Cr Mariott**

*That the Minutes of the Council Meeting held Tuesday 12 August 2025, as circulated, be confirmed.*

**The motion was Carried unanimously.**

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

*Against: Nil*

*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 TO COUNCIL

### QUESTION 1

**Ivor Wolstencroft of Warburton asked;**

Does the Shire of Yarra Ranges have to abide by State Government legislation enshrined in the Charter of Human Rights and Responsibilities 2006 (Act 43/2006)? If so, what are the implications for the day to day running of council?

**Director Corporate Services, Vincenzo Lombardi**

Thank you for your question, Ivor.

Yes, Yarra Ranges Council, as a local government authority in Victoria, is required to abide by the Victorian Charter of Human Rights and Responsibilities Act 2006. This legislation applies to all public authorities in Victoria, including all local councils.

The operational implications arising for Council from the Charter are broad and include considerations such as, Council decision making, service delivery, complaints management, staff conduct, training and development.

For further information, the Victorian Equal Opportunity and Human Rights Commission has detailed and easily accessible information on their website.

Thank you.

### QUESTION 2

**Ivor Wolstencroft of Warburton asked;**

Ringwood Lake Homewood Bound Walk Tuesday 5th August 2025 (as organised by the Eastern Homelessness Network).

I understand The Shire of Yarra Ranges attended this event.

Would the council be able to update us on any new information or new approaches that would help the homeless or those living on the margin in our Shire in 2025.

That is, new knowledge obtained either by listening to official speeches or informal conversations?

**Director Communities, Leanne Hurst**

Thank you for your question, Ivor.

In 2025, Victorian State Government is continuing to implement new and existing initiatives to address homelessness and hardship. These include a focus on building more social and affordable housing, providing emergency accommodation and support services, and

increasing funding for programs that are aimed at preventing homelessness and assisting those experiencing hardship.

At a local level, Council works with partners and all levels of government to improve homelessness services and to increase social and affordable housing. We do this through proving grants, advocating for funding and building partnerships.

Council officers were in attendance at the Eastern Homelessness Network event and Council also partnered with Eastern Affordable Housing Alliance and the Regional Charter Group for Homelessness and Housing to host an online webinar during Homelessness Week. This webinar explored innovative supports for people experiencing homeless.

Council's role in homelessness is to provide information about where to get help and make referrals into these agencies. While often the convener of networks and bringing partners together, Council does not provide specific service response or case management to people experiencing homelessness.

If you would like to learn more about any of these initiatives, we will happily connect you with the Health and Wellbeing team to discuss.

### **QUESTION 3**

**Rob Jackson of Mooroolbark asked;**

I urge Council to reconsider its decision to reject the permit for the continuation of community motorbike events at the Sanders Apple Farm in Three Bridges. For more than 40 years, this property has hosted a wide range of community activities including motorbike races, junior coaching clinics, charity fundraisers, trail rides, and recreational ride days.

Generations of local families have participated, and the track has provided a safe and controlled environment for riders of all ages.

**Tammi Rose, Chief Executive Officer**

Thank you for your question, Rob

We understand and acknowledge the community's concern in relation to the planning matter at the property in Three Bridges where motorcycle events have been taking place for many years.

Over the past two years Council officers have been liaising with the Sanders' family after they submitted a planning request in October 2023 for a Certificate of Compliance under Existing Use Rights.

The request was to enable the continued use of their property for motorcycle racetrack and commercial activities which have been taking place over several years.

The standard requirement to meet a planning request for 'existing use rights' is very high and requires documented evidence of continuous use of the activity on the land for a period of 15 years and is determined by the Planning and Environment Act. This is because once existing use rights have been established, there can be no further consideration on how the site operates or the offsite impacts.

Council is meeting with the family in coming weeks to continue open discussions with them and ensure they are clear on the required documentary evidence looks like. In the



meantime, however, we would like to make it clear that domestic use of motorcycles on this property is not impacted or restricted by this process.

In acknowledging community concerns on the matter, we have seen several deeply offensive and threatening messages, emails, and social media posts.

While we understand that this issue has sparked strong views, we urge the community to remain respectful when expressing views and opinions.

Council's role is to represent and support all members of our community, and we ask the community to pause and reflect before posting, and to treat everyone with respect. Comments personally attacking, threatening or defaming staff, councillors or community are harmful and not acceptable.

Council and our staff are here to serve and support all members of our community.

#### **QUESTION 4**

**Jeanie Wait of Croydon asked;**

Are there any plans to address the increased traffic that travels north & south along Anderson St, between Maroondah Hwy & The Eyrie?

My son, who lives in a unit at Melba, is finding it more dangerous to cross the road safely.

Drivers are speeding and also turning into George St., to make a U-turn back onto Anderson St. There is also increased traffic flow to & from Coles Village & Chapel St. Has this area been considered for a safer alternative eg. pedestrian crossing or traffic lights?

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

Thank you for your question, Jeanie....

The Traffic team has identified two possible pedestrian crossings options on Anderson Street, Lilydale

First Option - Pedestrian Refuge

Second Option - Pedestrian operated signals, This is the more expensive option and are typically \$500k and subject to DTP approval.

While this work is not budgeted in Council's current 25/26 budget, these options have been added to Council's pipeline projects for future budget consideration and Council will continue to explore and advocate for funding opportunities.

Additionally, Council has adopted the Lilydale Structure Plan, which outlines how we will manage growth, facilitate change, and guide infrastructure delivery within the Lilydale Major Activity Centre over the next 20 years. The structure plan identifies the Lilydale Village precinct as a key development site, and inclusion of this project in Council's pipeline allows for advocacy to developers and potential state government grant opportunities. Thanks

## **QUESTION 5**

### **Will Ashburner of Menzies Creek asked;**

On Friday morning on the 22nd August 2025, 3 council workers removed the Horse Drinking Trough from Hermon's Corner Saddle Reserve, Menzies Creek/Selby. The workers who removed the trough had no knowledge of its significance and that it was heritage listed and included in a heritage overlay.

What steps is the council going to make to ensure that council employees (and their subsequent actions) are aware of heritage and other overlays so that this this debacle doesn't happen again?

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

Thank you for your question, Will

We confirm a heritage listed trough was removed from the site for repair.

We acknowledge this as a regrettable oversight; however the process has been reaffirmed with our teams, and the trough will be reinstated as soon as practicable.

For completeness, our process is to refer to our asset and geospatial mapping system which identifies relevant planning overlays and other significant information. Working across the Shire's 2500km<sup>2</sup> the team have a good track record with this approach, including working with history groups on special projects, we are happy to keep you updated as we work to reinstate the trough.

## **SUBMISSION TO COUNCIL**

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 general petition be received:

General Petition

1. Adoption of Temporary Tiny Homes on Wheels Resolution

Request that Council adopt Professor Dix's resolution to permit temporary use of Tiny Homes on Wheels and use this as an interim measure while working on longer-term housing.

17 valid signatures.

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

**Moved: Cr McAllister**

**Seconded: Cr Marriott**

*That Council receives and notes the "Adoption of Temporary Tiny Homes on Wheels Resolution" petition in accordance with the Governance Rule and refers this petition to the appropriate officers for investigation and response.*

**The motion was Carried unanimously.**

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

*Against: Nil*

## 10 BUSINESS PAPER

### 10.1 CT7826 Provision of Litterbin Collection & Maintenance Services for Streets and Parks

#### SUMMARY

This report aims to present the findings of the Tender Evaluation Panel for tender CT7826, concerning the Street & Park Litterbin Collection & Maintenance Services, which closed on 09 May 2025. Additionally, it seeks approval to award Contract CT7826 Street & Park Litterbin Collection & Maintenance Services to the preferred tenderer, as recommended in the Confidential Attachment to this Recommendation Report.

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

**Moved: Cr Mcilwain**

**Seconded: Cr Cox**

*That*

- 1. Council enters into a contract with Lever Waste Services Pty Ltd for the Street & Park Litterbin Collection & Maintenance Services for an initial period of five and a half years for an estimated value \$5,287,039 as indicated in the Confidential CT7826 - Financial Summary Attachment.*
- 2. The Director of Planning and Sustainable Futures be delegated authority to sign the deeds and any related contract documentation.*
- 3. The Director of Planning and Sustainable Futures be delegated authority to extend the contract term by one period of one year to a maximum term of six and a half years.*
- 4. The Confidential Attachments 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 Child, Cr Higgins, Cr Cox. Cr Heenan, Cr Marriott,  
Cr Mazzarella, Cr McAllister, Cr Mcilwain and Cr Ward*

*Against: Nil*

## 10.2 Domestic Animal Release Fees

### SUMMARY

While running the process to tender and appoint a provider for pound services, officers identified that pound release fees were not included in the fees and charges adopted by Council. It is appropriate that Council adopt the fees and charges for transparency.

*In accordance with Governance Rule 29.1, Cr Ward, Cr Marriott and Cr Higgins spoke to the Motion.*

**Moved: Cr Ward**

**Seconded: Cr Marriott**

*That Council adopt Fees and Charges for Pound Release Fees as indicated in Attachment 1.*

**The motion was Carried unanimously.**

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

*Against: Nil*

### 10.3 CT7784 Animal Pound Services Contract

#### SUMMARY

This report summarises the tender evaluation process taken for the provision of the Animal Pound Services contract and seeks Council noting.

An advertisement calling for tenders was placed in the Age newspaper on Saturday 15 February 2025.

Tenders closed Wednesday 3 March 2025, and one (1) submission was received.

The recommendation in this report has been formally endorsed by the tender evaluation panel.

The Contract will be for an initial period of three (3) years, Council having the solo option to extend the Contract for an additional two (2) periods of one (1) year each.

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

**Moved: Cr Cox**

**Seconded: Cr Mazzarella**

*That*

1. *Council enters into a contract with Victorian Animal Aid Trust to deliver the pound services for an estimated contract value of \$3,126,678.50 (inclusive of GST) and inclusive of all possible extension options.*
2. *The Director Communities be delegated authority to sign any related contract documentation for the initial period of three (3) years.*
3. *The Director Communities be delegated authority to extend the contract term by two periods of one year.*
4. *The Confidential Attachment to this report remain 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 Child, Cr Higgins, Cr Cox. Cr Heenan, Cr Marriott, Cr Mazzarella, Cr McAllister, Cr McIlwain and Cr Ward*

*Against: Nil*

#### **10.4 Tree on Mt Evelyn Aqueduct Trail, rear of 88-90 Birmingham Road, Mount Evelyn**

##### **SUMMARY**

Council has a request to remove three (3) trees at the rear of 88-90 Birmingham Road, Mt Evelyn on the Aqueduct Trail. The resident's main concern is that the three trees are dangerous and will fall onto their property. The trees are assessed by arborists as low risk. Council has one recorded Public Liability claim for this property.

The trees are exotic, not indigenous to the area. The details of the trees are in the attached Arborist Assessment Report. The reserve is in a Green Wedge Zone (GWZ1) and is also subject to Bushfire Management Overlay (BMO). As the trees are listed environmental weeds, a Planning Permit is not required if the trees are approved by Council for removal.

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

*Cr McAllister, through the Mayor, requested that the correct attachment, with trees 1, 2 and 3, be added to the published agenda.*

*Cr Heenan moved a motion alternate to that printed in the agenda.*

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

**Moved: Cr Heenan**

**Seconded: Cr Cox**

*That Council removes the three (3) trees on the Aqueduct Trail, at the rear of 88-90 Birmingham Road, Mt Evelyn.*

**The motion was Carried.**

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

*Against: Cr McIlwain*

## 10.5 Draft Road Management Plan for Community Consultation

### SUMMARY

Council has legislative obligations to review its Road Management Plan (RMP) every four years. The RMP outlines Council's role and responsibilities in relation to maintaining Council roads. This 2025 update is based on a thorough review of the current 2021 Plan, legal advice, internal audits, and benchmarking with other councils. It also follows guidance from the Ministerial Code of Practice and the MAV Insurance Road Management Plan documents.

Given Yarra Ranges' large rural and semi-rural road network, the updated RMP adopts a hybrid approach, combining the existing framework with a rural-focused model. This ensures a practical, cost-effective strategy for managing low-traffic roads in natural and hilly areas.

Key improvements include:

- Updated inspection frequencies and intervention levels to reflect the Yarra Ranges' road network characteristics
- Enhanced documentation and auditing of inspection processes.
- Clarified responsibilities for vehicle crossovers and shared paths.
- Integration of insurance claim data to inform risk mitigation strategies.

The proposed service levels are designed to be achievable within current budgets processes, with the improvements expected to enhance safety.

A period of community feedback is now proposed as part of the public consultation process, for a 28 day period commencing 27 August 2025, in line with legislative requirements, under Section 54(6) of the Road Management Act 2004.

*The Mayor noted a typing error in the Officers Recommendation and requested it be corrected.*

*In accordance with Governance Rule 29.1, Cr Allister and Cr Ward spoke to the Motion.*

**Moved: Cr McAllister**

**Seconded: Cr Ward**

*That Council*

1. *Endorse the public consultation process for the Draft Road Management Plan 2025, in accordance with the Road Management Act 2004, Section 54(6) & Road Management (General) Regulations 2016 (Regulation 11) for the purpose of public exhibition.*
2. *Receives a further report to consider public submissions ahead of finalising the Road Management Plan.*

**The motion was Carried unanimously.**

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

*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.*

A Councillor Motion will be raised as an Urgent Motion, Item 16.1.

## **12 ITEMS THROUGH THE CHAIR**

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

## **13 REPORTS FROM DELEGATES**

Cr McAllister

- Attended the Indigenous Advisory Committee held on 19 August 2025 at the Yarra Ranges Council Civic Centre. The meeting was also attended by Cr Marriott.

Cr McAllister

- Attended the Audit & Risk Management Committee meeting held on 25 August 2025 at the Yarra Ranges Council Civic Centre. The meeting was also attended by Cr Child.

Cr Marriott

- Attended the Municipal Emergency Management Planning Committee held on 20 August 2025 at the Yarra Ranges Council Civic Centre.

Cr Marriott

- Attended the Municipal Fire Management Planning Committee held on 13 August 2025 at the Yarra Ranges Council Civic Centre.

Cr McIlwain

- Attended the Victorian Greenhouse Alliance Conference held on 22 August 2025 at the Melbourne Convention and Exhibition Centre (MCEC).

*Cr Heenan left the meeting at 8.05pm and returned to the meeting at 8.07pm prior.*

## **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.

**Moved: Cr Mazzarella**

**Seconded: Cr Ward**

*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 Child, Cr Higgins, Cr Cox. Cr Heenan, Cr Marriott,  
Cr Mazzarella, Cr McAllister, Cr McIlwain and Cr Ward*

*Against: Nil*

**Moved: Cr Child**

**Seconded: Cr Cox**

*That one item of urgent business as distributed in the Urgent Item Agenda be accepted for consideration.*

**The motion was Carried unanimously.**

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

*Against: Nil*

## 16.1 Councillor Motion - Incidents of Road Strike on Wellington Road - Cr Mcilwain

### SUMMARY

Council is aware of a rise in wildlife road strikes along Wellington Road in Lyster Ward over the past year, highlighted by a Petition to Council that will continue to be investigated by Officers. This arterial road runs through the middle of wildlife habitat of high conservation value that is situated either side of the road from Rowville to Emerald. Wellington Road is a feeder road to suburbs that include designated growth areas between Berwick and Pakenham. There is already a high level of traffic on this road with population projections indicating that road use will continue to increase over the next decade. Therefore, possible actions to minimise wildlife road strike along Wellington Road, should include both immediate and long-term approaches.

At the Council Meeting 12 August 2025, the following motion was carried unanimously:

*That Council*

- 1) *Receives and notes the "Wildlife Fatalities along Wellington Road" petition in accordance with the Governance Rule and refers this petition to the appropriate officers for investigation and response.*
- 2) *Prepare a report to come to a future Council Forum before the end of October 2025.*

The current motion responds to the urgency of this matter by extending councils' response to the petition by enabling advocacy to the Victorian Parliament with reference to the Department of Transport which has authority over Wellington Road. The matter is urgent for two reasons: 1) there is immediate and substantial risk to wildlife and driver safety and, 2) the Victorian Parliament is currently holding an Inquiry into wildlife road strike in Victoria which is reporting in November this year. Given that the Inquiry has already made reference to the matter of Wellington Road this motion is timely.

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

**Moved: Cr Mcilwain**

**Seconded: Cr Cox**

*That Council*

1. *Requests that the Mayor write to the relevant Minister that the issue of a significant increase in the incidents of road strike on Wellington Road, be addressed as a matter of urgency, and steps be taken to minimise the deaths and injury of wildlife and the increased risk to driver safety.*
2. *Recognises the long-term threat to wildlife and driver safety that increased road usage poses.*

**The motion was Carried unanimously.**

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

*Against: Nil*

**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: 8.15 pm.

Confirmed this day, Tuesday, 9 September 2025.

.....

**Councillor Jim Child (Mayor)**