



# Council Meeting

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## Minutes

**Tuesday, 13 September 2022**  
Civic Centre, 15 Anderson Street, Lilydale

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



### 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 Communities,** Jane Price  
**Director Corporate Services,** Andrew Hilson  
**Director Recovery,** Jane Sinnamon

**Director Environment & Infrastructure,**  
Bill Millard  
**Director Planning Design & Development,**  
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.

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

Post	PO Box 105, Anderson Street
Telephone	1300 368 333
Facsimile	(03) 9735 4249
Email	<a href="mailto:mail@yarraranges.vic.gov.au">mail@yarraranges.vic.gov.au</a>

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# YARRA RANGES COUNCIL

MINUTES FOR THE 566<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 13 SEPTEMBER 2022 COMMENCING AT 7.04 PM CIVIC CENTRE, 15 ANDERSON STREET, LILYDALE

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## 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 David Eastham

Councillor Tim Heenan

Councillor Johanna Skelton (Deputy Mayor)

Councillor Len Cox OAM

### Officers

Tammi Rose, Chief Executive Officer

Andrew Hilson, Director Corporate Services

Julia Kelley, Acting Director Environment and Infrastructure

Kath McClusky, Director Planning, Design and Development

Jane Sinnamon, Director Recovery

Clint Hong, Acting Director Communities

## 4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors Richard Higgins and Sophie Todorov.

**STATEMENT FROM THE MAYOR ON THE PASSING OF HER MAJESTY QUEEN ELIZABETH II**

The Mayor paid tribute to the life of Her Majesty Queen Elizabeth II, who passed away last week, aged 96.

The Queen was the longest serving monarch in history, with 70 years as the sovereign of the United Kingdom and the wider Commonwealth. Her presence was seen every day, from the links to the Commonwealth in our National Anthem, right through to The Queen's portrait on our currency.

She was a quiet, graceful, and proud leader who gave her life to serve the kingdom, and the nations within it, with respect, empathy and kindness.

Her long reign – which spanned the aftermath of the Second World War through to today - modernised the idea of the monarchy.

She was a beloved presence at Buckingham Palace, who radiated kindness and understanding when disaster struck.

Many countries of the world united under the monarchy in the Commonwealth, and The Queen had a profound and positive influence on international relations in her 70 reigning years.

The Mayor noted that there will be few who will remember The Queen and Prince Phillip's visit to Warburton in 1954, one year after taking the throne. The photos you are viewing at present are of that visit.

Traveling by train, the pair visited Warburton and stayed at the then Melbourne and Metropolitan Board of Works O'Shannassy Chalet at East Warburton – the only place the pair stayed other than Government House or aboard the Royal Train.

The people who encountered the Royals during that visit have told the story for decades since, a statement to the positivity that The Queen brought to those who encountered her.

Countless stories have been told of Queen Elizabeth II, outlining the time, the respect, and the empathy she gave to others, far beyond the requirements of her role.

She was beloved for a reason, and the world is dimmer without her in it.

To say that much of the world has been in mourning would be an understatement.

We may never see someone like Queen Elizabeth II ever again.

In death, as in life, she will shape the world and the way we live in it.

The Mayor offered formal condolences on behalf of Yarra Ranges Council to His Royal Highness King Charles III and invited the community to sign our Book of Condolence for Queen Elizabeth II. The Book is available at the Lilydale Community Link, 15 Anderson Street Lilydale

Finally, the Mayor noted that the Australian Flag will fly at half-mast until further notice, as a sign of remembrance.

May The Queen rest in peace. God Save The King.

**Moved: Cr Child**

**Seconded: Cr Heenan**

*That the Minutes of the Council Meeting held Tuesday 23 August 2022, 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.

### 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.*

There were no Questions or Submissions from the Public 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.*

### **SUMMARY**

The following petitions have been received:

#### **PART A – General Petitions**

1. *Resident's requests that Council investigate emergency vehicle and pedestrian access to the Yarra River via Stuart Road, East Warburton. 26 signatures.*

*In accordance with Governance Rule 58, Rohan Murray spoke in support of the Petition.*

*Cr McAllister moved a motion alternate to that printed in the agenda, in order to amend the wording of the recommendation to reflect the original Petition.*

**Moved: Cr McAllister**

**Seconded: Cr Child**

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

1. *Emergency and recreational access via Stuart Road, East Warburton to the Yarra River.*

**The motion was Carried unanimously.**



## 10 BUSINESS PAPER

### 10.1 State Election Advocacy Priorities

#### SUMMARY

A Victorian election is due to be held in November 2022. This presents an opportunity for Council to secure commitments from the incumbent government and opposition to invest in a range of projects across the Yarra Ranges that would deliver strong social, economic and environmental outcomes, but are beyond Council's capacity to deliver alone.

Over the past 18 months, Yarra Ranges Council and Officers have undertaken an internal consultation and assessment process to identify a set of initiatives suitable to pitch for the election.

The assessment process has been informed by the prioritisation criteria outlined in Council's Advocacy Framework, and resulted in the list of advocacy priorities captured in Attachment 1 - State Election Advocacy Priorities.

**Moved: Cr McAllister**  
**Seconded: Cr Fullagar**

*That Council endorse the State Election Advocacy Priorities as outlined in Attachment 1.*

**The motion was Carried unanimously.**

## 10.2 Municipal Association of Victoria - State Council Meeting

### SUMMARY

The Municipal Association of Victoria (MAV) will be holding its State Council Meeting on Friday 14 October 2022. State Council is the MAV's governing body and comprises representatives from each member council, with one of its roles being to determine the strategic direction for the MAV.

Member councils are invited to put forward motions for consideration at the State Council Meeting in accordance with the criteria set by the MAV.

Council is asked to endorse the motions it wishes to be submitted for consideration.

**Moved: Cr Skelton**

**Seconded: Cr McAllister**

*That Council endorse the following motions to be submitted for consideration at the MAV State Council Meeting on 14 October 2022:*

1. *That the MAV advocate to the Department of Justice and Community Safety to make an amendment to the Residential Tenancies Act 1997, to:
  - (a) *update or expand the purpose of the Act to provide for the establishment of a short stay accommodation or short stay rental register.*
  - (b) *expand and further define a residential rental agreement to include short stay accommodation.**
2. *That the Victorian Government commit to partnering in the support of Councils through a staged 5-year framework for recovery from major disasters, in accordance with known recovery timeframes, to account for extended mental health impacts and support short- and long-term recovery, resilience and community connectedness.*
3. *That the MAV advocate for State and Federal funding agencies administering the Disaster Recovery Funding Arrangements (DRFA) to update the DRFA definitions and processes to allow for drainage to be reinstated to a standard that is resilient and able to withstand the modelled future impacts of climate change.*

**The motion was Carried unanimously.**

## 10.3 Amendment C197 - Corrections and Anomalies

### SUMMARY

Amendment C197 proposes to correct a number of minor zoning inaccuracies and anomalies, remove redundant overlay controls and improve the operation of several overlay schedules in the Yarra Ranges Planning Scheme.

The amendment was placed on public exhibition from 16 June 2022 to 18 July 2022 and five submissions were received. Of those, three submissions noted no objection or highlighted minor errors which could be accommodated, one submission was withdrawn and one submission sought changes that will require further consideration. A phone enquiry also highlighted a minor error.

The submission requiring further consideration was in response to a proposed revision of the mapped area of Heritage Overlay 353 (HO353) that applies to the Cement Creek Plantation in Warburton. The submitter has requested further review of the extent of the mapped overlay area and that the statement of significance for the site be updated.

As further work is required to address this submission, it is proposed to split Amendment C197 into two parts.

Part 1 will include all properties that did not have any submissions or where the submission has been resolved. This report recommends that Council adopt Amendment C197 Part 1, with changes, and following adoption by Council submit the amendment to the Minister for Planning for approval.

Part 2 of the amendment will include the Cement Creek Plantation heritage overlay revision that will be further reviewed by a heritage consultant and discussed with the submitter. A report on this item will be brought back to Council in the future once resolved.

**Moved: Cr Eastham**  
**Seconded: Cr Cox**

*That Council*

- 1. Split Amendment C197 into two parts.*
- 2. Adopt Amendment C197 Part 1 to the Yarra Ranges Planning Scheme, with changes, generally in accordance with Attachments 3, 4 and 5 to this report.*
- 3. Submits Amendment C197 Part 1 to the Minister for Planning for approval.*
- 4. Writes to all submitters to advise them of Council's decision split the Amendment into two parts and to adopt Amendment C197 Part 1.*
- 5. Note that a future report will be presented to Council on Amendment C197 Part 2.*

**The motion was Carried unanimously.**

## 10.4 Neighbourhood House Partnership Program 2022

### SUMMARY

Officers undertook the *Neighbourhood House Partnership Program Evaluation Project* in 2020-2021. The analysis examined the actions, achievements and challenges experienced by Neighbourhood Houses under the current Neighbourhood House Partnership Agreement together with consideration of outcomes delivered in the context of the aims of the program. The Evaluation informed development and planning for the delivery of the Neighbourhood House Partnership Program 2022 to 2026 (see Appendix 1: *Neighbourhood House Evaluation Report 2021 Summary*).

The Neighbourhood House Partnership Agreement 2022 (Appendix 2) has now been drafted, along with the Neighbourhood House Partnership Program Registration Form (Appendix 3). These documents indicate the process for Neighbourhood Houses to receive funding for the purpose of delivering community development activities and the provision of low cost/no cost programming under the Neighbourhood House Partnership Program 2022. Within this program there will be a greater focus on outcome measures to meet Council's strategic objective of connected and healthy communities.

Key proposed updates to the new agreement include a change in frequency of payment of funding, an annual rate cap increase over the term of the agreement and an equalisation of funding model, resulting in all Neighbourhood Houses receiving the same level of funding. To assist with the transition, it is proposed that two Houses, who will have a decrease in funding under the new agreement, receive a one-off contribution of the gap in funding in 2022-2023.

**Moved: Cr McAllister**  
**Seconded: Cr Skelton**

*That Council*

1. *Endorse the Neighbourhood House Partnership Agreement 2022, which includes:*
  - (a) *A four year term.*
  - (b) *Change in the frequency of payment from bi-annual to annual in July each year.*
  - (c) *A funding model for all Neighbourhood Houses, which includes:*
    - i. *Equal distribution of the funding pool to eleven (11) Neighbourhood Houses (excluding Lilydale Community House) in 2022-23.*
    - ii. *Equal distribution of the funding pool to all twelve (12) Neighbourhood Houses (with the inclusion of Lilydale Community House) from July 2023 for the remainder of the Agreement.*
2. *Endorse the provision of a one-off gap contribution to Japara Neighbourhood House (\$4,579.15) and CIRE Services Yarra Junction (\$3,170.82), for the 2022-2023 financial year, to assist in the transition to the new funding model.*
3. *Endorse the option to increase the total funds distributed in years two to four (2023-2026) by the annual rate cap increase each financial year.*
4. *Note the update on the findings from the Neighbourhood House Partnership Program Evaluation.*
5. *Authorise Neighbourhood House Partnership Agreements under the delegation to the Director Communities.*

**The motion was Carried unanimously.**

## 10.5 Japara Neighbourhood House Support and Review

### SUMMARY

Japara Neighbourhood House Inc (JNH) is a not-for-profit organisation in Kilsyth that is funded by Council to deliver Neighbourhood House activities and to manage the day to day running of the Council owned facility.

JNH's Executive reports that their business model has been challenged by a significant downturn in income due to the impact of the pandemic and reduction in facility use, leaving the organisation and its services vulnerable to financial failure.

JNH's Executive also report a proposed Council funding reduction, efficiency savings requirements and ongoing asset management responsibility pose an operational threat to JNH due to their current financial circumstances.

Following discussions between the JNH Executive and Officers, this report outlines and considers the issues raised by JNH and seeks approval from Council to maintain current levels of Council funding to JNH for the 2022-23 financial year, and to undertake a review of Yarra Ranges Council's (YRC) financial, operational and relational agreements and interactions with JNH, user groups and community groups.

The review would provide recommendations to ensure clarity of responsibility and communication between the two entities, and for the ongoing viability of JNH and the services it provides to the community.

**Moved: Cr Cox**  
**Seconded: Cr Fullagar**

*That Council*

- 1. Provide Japara Neighbourhood House Inc with a one-off stay of the funding reduction of \$4,579, proposed as part of the 2022 – 2026 Neighbourhood House Partnership Grant equalisation of funding process for all Neighbourhood Houses. This would maintain the Japara Neighbourhood House funding for Neighbourhood House activities at \$41,255 for the 2022-23 financial year.*
- 2. Provide Japara Neighbourhood House Inc with a one-off stay of funding reduction of \$2,500 outlined in the Hub Management Partnership Funding Agreement (1 July 2018 – 30 June 2023), maintaining funding for 2022-23 financial year at \$70,000.*
- 3. Undertake a review of Yarra Ranges Council's financial, operational, and all relational agreements and interactions with Japara Neighbourhood House to provide recommendations that support the ongoing viability of JNH and the services it provides to the community.*

**The motion was Carried unanimously.**

## 10.6 Draft Community Waste Resource Recovery Plan

### SUMMARY

In preparation for future waste service changes, the Waste Management team have developed a Draft Community Waste Resource Recovery Plan (Plan) which outlines the future service direction and priorities for waste management services for the Yarra Ranges Community.

The plan was developed to align with the requirements of the State Government Circular Economy Policy – Recycling Victoria and aims to assist Council meet the objectives and targets within the Policy and deliver responsible waste and recycling service changes and initiatives through services and programs for the community.

The draft Yarra Ranges Community Waste Resource Recovery Plan contains 22 actions that are pivotal for success in enabling the achievement of the strategic objectives and targets of this plan.

**Moved: Cr Skelton**  
**Seconded: Cr Fullagar**

*That Council*

- 1. Approve the draft Yarra Ranges Council Community Waste Resource Recovery Plan to be released for public consultation, commencing 14 September 2022.*
- 2. Following consultation, the draft Yarra Ranges Council Community Waste Resource Recovery Plan be referred to Council Forum for consideration of submissions, prior to formal endorsement at a subsequent Council meeting.*

**The motion was Carried unanimously.**

## 10.7 Emery Lane, Montrose Declaration of Special Charge

### SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 12 July 2022 considered a report on road improvement works for Emery Lane, Montrose. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

**Moved: Cr Cox**

**Seconded: Cr Fullagar**

*That*

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions received hereto, declare the special charge for works associated with the Emery Lane, Montrose Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

**The motion was Carried unanimously.**



## 10.8 Welham Road, Mooroolbark Declaration of Special Charge

### SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 12 July 2022 considered a report on road improvement works for Welham Road, Mooroolbark. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

**Moved: Cr Cox**

**Seconded: Cr Heenan**

*That*

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions received hereto, declare the special charge for works associated with the Welham Road, Mooroolbark Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

**The motion was Carried unanimously.**

## **10.9 CT6953 Construction of a Community & Sports Pavilion at Powelltown Reserve, Powelltown**

### **SUMMARY**

This report summarises the evaluation process and seeks Council approval for the Construction contract for the Powelltown Reserve Community & Sporting Pavilion in Powelltown.

The existing facilities are in poor condition and do not conform to current codes or standards. The size and functionality of the existing pavilion is restricting growth in community use and sporting participation. The demolition of the existing building and the construction of a new pavilion will see a purpose made, fully accessible facility that will optimise use, increase patronage, and provide a meeting and social space for the community as a whole.

The new facility is envisioned to become the heart of the Powelltown and surrounding community and will also enhance community resilience as it will support a local recovery in times of need.

The new community sports pavilion will also support the core sporting needs of football, cricket, netball, mountain biking and other community groups at the reserve for the next 50+ years. This project will provide a permanent home for sport and recreation groups in Powelltown and provide a community room, office area and public amenities for much broader community use outside of sporting activities.

The new community and sporting pavilion will be a contemporary facility which fits in with the surrounding environment and is physically and functionally aligned to the playing fields and all surrounding activities.

Five (5) pre-qualified suppliers from the Department of Treasury and Finance Construction Supplier Register (CSR) were invited to participate in a selective tender for this project on 15 June 2022. Council use of the CSR list is approved by the Minister of Local Government under section 186(5) (c) of the Local Government Act 1989 and is therefore compliant with Councils' legislative requirements.

Tenders closed 20 July 2022 and four (4) submissions were received.

The evaluation panel conducted a robust and rigorous assessment and evaluation process and recommends the tender from Melbcon Pty Ltd be accepted for the Final Tender Price as detailed in the Confidential Attachment to this report.

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. A confidential attachment has been included with the report which contains commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

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

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

**Moved: Cr Child**  
**Seconded: Cr Skelton**

*That*

1. *Council awards the tender from Melbcon Pty Ltd for CT6953 Construction of a new Community & Sporting Pavilion at Powelltown Reserve, Powelltown for the Final Tender Price of \$4,145,141.23 Excl. GST and inclusive of all negotiated cost savings detailed in the Confidential Attachment to this report and subject to the budget recommendation there in.*
2. *The Director 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.**

## **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**

Cr McAllister:

- Provided an update on the Support Healesville Hospital Action Group. The group met with the Minister of Health to advocate for Healesville Hospital to be recommend as one of the locations for an Urgent Care Facility. Cr McAllister noted the community support for the Urgent Care Facility and a meeting with Eastern Health to discuss the Urgent Care Facility.

## **13 REPORTS FROM DELEGATES**

Cr McAllister:

- Along with Phil Murton, Manager Recreation Projects & Parks and the Principal of the Healesville High School, attended the Committee of Management for Jack Hort Indoor Pool. Cr McAllister noted that the Committee toured the upgraded facility.

Cr McAllister:

- Attended the Valley Community Recovery Committee meeting held on 8 September 2022. Cr McAllister noted that the assessment process for the first round of funding applications has been completed.

## 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

### SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report

**Moved: Cr Fullagar**  
**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.**

## 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: 8:40 pm.

Confirmed this day, Tuesday, 27 September 2022.

.....

**Councillor Jim Child (Mayor)**