

# Council Meeting

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## Agenda

**Tuesday, 8 November 2022**

Civic Centre, 15 Anderson Street, Lilydale and  
via Videoconference

## 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

### 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>

## **LIVE STREAMING AND RECORDING OF MEETINGS**

Council and Delegated Committee meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

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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## **EVACUATION PROCEDURES**

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**

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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*The election of the Deputy Mayor will be conducted in accordance with Chapter 3, Rule 8 of the Governance Rules.*

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## **YARRA RANGES COUNCIL**

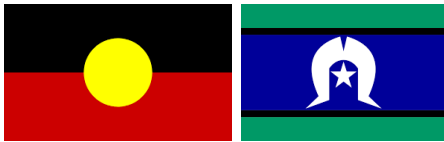
**AGENDA FOR THE 570<sup>TH</sup> COUNCIL MEETING TO BE HELD ON TUESDAY  
8 NOVEMBER COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC  
CENTRE, ANDERSON STREET, LILYDALE AND VIA VIDEOCONFERENCE**

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### **1. MEETING OPENED**

## 2. 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.





### **3. INTRODUCTION OF MEMBERS PRESENT**

#### **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  
Acting Director Planning, Design & Development, Damian Closs

**4. APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies received prior to the commencement of this meeting.

## 5. 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.*

*The Local Government Act 2020 defines two categories of conflict of interest:*

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

*In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.*

No Conflicts of Interest have been received prior to the Agenda being printed.

## TERM OF MAYOR AND DEPUTY MAYOR

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Report Author: Governance Officer  
 Responsible Officer: Chief Executive Officer  
 Ward(s) affected: (All Wards);

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

## CONFIDENTIALITY

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

## SUMMARY

The Local Government Act 2020 (the Act) requires Council to determine by resolution whether the Mayor is to be elected for a one year or two year term. This must be done before the election of the Mayor takes place.

The term of office of the Mayor also applies to the election of the Deputy Mayor, whose office has been established by Council under section 20A of the Act.

This report has been submitted for Council's consideration by the Chief Executive Officer in accordance with the requirements of sub-Rule 6.1 of Council's Governance Rules.

## RECOMMENDATION

***That, in accordance with the requirements of section 26(3) of the Local Government Act 2020, Council elect the Mayor and Deputy Mayor for a one (1) year term.***

## RELATED COUNCIL DECISIONS

On 9 November 2021, Council elected a Mayor and Deputy Mayor and determined both should serve a one-year term.

## DISCUSSION

### ***Purpose and Background***

The purpose of this report is for Council to determine the term of office of the Mayor and Deputy Mayor, proposed as a one year term.

Section 26(3) of the Act states:

*“Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”*

In accordance with section 27(2) of the Act, section 26 also applies to the election of a Deputy Mayor.

Council has traditionally elected the Mayor and Deputy Mayor for a one year term.

### ***Options and key issues considered***

While the option exists for Council to determine that the Mayor and Deputy Mayor term of office be two years, the recommendation for a one year term has been prepared to reflect custom and practice.

It should be noted that the office of both the current Mayor and Deputy Mayor becomes vacant at the time and on the day of the election of the next Mayor and Deputy Mayor, or as otherwise described in sections 20 and 22 of the Act.

A failure by Council to determine the term of the Mayor and Deputy Mayor means that the election of a new Mayor and Deputy Mayor cannot proceed. Should this occur, section 20B of the Act provides for Council to appoint a Councillor to be the Acting Mayor for a period specified by the Council, or until such time as the Office of the Mayor is properly appointed into.

The Act requires the next election of the Mayor and Deputy Mayor to be held on a day to be determined by Council that is as close to the end of the approved term as is reasonably practicable.

### ***Recommended option and justification***

Council to determine the term of office of the Mayor and Deputy Mayor, proposed as a one year term.

## **FINANCIAL ANALYSIS**

The Victorian Independent Remuneration Tribunal (the Tribunal) made a Determination, effective 18 November 2021, setting the values of the allowances, including allowance categories, payable to Mayors, Deputy Mayors and Councillors.

The Mayor will receive an allowance of \$119,316 (per annum, pro rata, inclusive of superannuation) with an increase to occur 17 December 2022 to \$122,630 (per annum, pro rata, inclusive of superannuation); and the Deputy Mayor will receive an allowance of \$59,658 (per annum, pro rata, inclusive of superannuation) with an increase to occur 17 December 2022 to \$61,315 (per annum, pro rata, inclusive of superannuation).

The allowance paid to Councillors, as determined by the Tribunal, will be \$35,972 (per annum, pro rata, inclusive of superannuation) with an increase to occur 17 December 2022 to \$37,010 (per annum, pro rata, inclusive of superannuation).

## **APPLICABLE PLANS AND POLICIES**

This report contributes to the following strategic objective(s) in the Council Plan: High Performing Organisation.

No regional, state or national plans and policies are applicable to the recommendation in this report.

## **RELEVANT LAW**

This report has been prepared in accordance with the requirements of section 26 of the Local Government Act 2020.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

There are no economic impacts associated with determining the term of the Mayor and Deputy Mayor.

### ***Social Implications***

There are no social impacts associated with determining the term of the Mayor and Deputy Mayor.

### ***Environmental Implications***

There are no environmental impacts associated with determining the term of the Mayor and Deputy Mayor.

## **COMMUNITY ENGAGEMENT**

Not applicable

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Not relevant

## **RISK ASSESSMENT**

There are no risks associated with the recommendation in this report. The term of the Mayor and Deputy Mayor can be determined by choosing one of the two options available in section 26(3) of the Act prior to an election for the new Mayor and Deputy Mayor taking place.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

There are no attachments to this report.

**7. ELECTION OF MAYOR**

*In accordance with Chapter 3 Rule 6 and 8 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*



**8. MAYORAL RESPONSE**

The Mayor takes the Chair, acknowledges congratulations and addresses the meeting.

**9. ELECTION OF DEPUTY MAYOR**

*In accordance with Chapter 3 Rule 6 and 8 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

**10. DEPUTY MAYORAL RESPONSE**

The Deputy Mayor acknowledges congratulations and addresses the meeting.

**11. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

*That the Minutes of the Council Meeting held 25 October 2022, as circulated, be confirmed.*

## 12. PETITIONS

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

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

There were no Petitions received prior to the Agenda being printed.

## COUNCIL MEETING DATES 2023

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Report Author: Governance Coordinator  
 Responsible Officer: Director Corporate Services  
 Ward(s) affected: (All Wards);

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

## CONFIDENTIALITY

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

## SUMMARY

This report provides a schedule of Council meeting dates for the first half of the 2023 calendar year.

The proposed schedule of meetings is included at Attachment 1.

## RECOMMENDATION

### *That Council*

**1. Adopt the 2023 (first half) schedule of Council meetings as follows:**

<b><i>Tuesday 31 January 2023</i></b>	<b><i>Wednesday 26 April 2023*</i></b>
<b><i>Tuesday 14 February 2023</i></b>	<b><i>Tuesday 9 May 2023</i></b>
<b><i>Tuesday 28 February 2023</i></b>	<b><i>Tuesday 23 May 2023</i></b>
<b><i>Tuesday 14 March 2023</i></b>	<b><i>Tuesday 13 June 2023</i></b>
<b><i>Tuesday 28 March 2023</i></b>	<b><i>Tuesday 27 June 2023</i></b>
<b><i>Tuesday 11 April 2023</i></b>	

***\* Meeting moved to Wednesday as a result of a Public Holiday***

- 2. Convene all Council meetings to commence at 7.00 pm at the venues listed in Attachment 1 to the report unless otherwise specified in a public notice.**
- 3. Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.**

## **RELATED COUNCIL DECISIONS**

There are no related Council decisions relevant to this item.

## **DISCUSSION**

### ***Purpose and Background***

To consider the schedule of meetings of Council and Forum for the first half of the 2022 calendar year.

Under the provisions of the Governance Rules, Council must fix the date, time and place of all Council meetings. There is no similar requirement for Forum meetings.

Council meetings are traditionally held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7.00 p.m., with a break provided over the Christmas period.

The schedule of Council meetings has been prepared in accordance with the Governance Rules.

### ***Recommended option and justification***

That Council adopt the schedule of Council meeting dates for the first half of the 2023 calendar year to allow for planning and consistency with current practice.

## **FINANCIAL ANALYSIS**

Costs associated with holding Council meetings can be met from within approved budgets.

Changes to the approved schedule of Council meetings, as a result of cancellation or scheduling of an additional meeting, or a change to the venue for a meeting, will require public notice to be given and notices in local newspapers will incur additional costs.

## **APPLICABLE PLANS AND POLICIES**

The development of a schedule of Council meetings has been undertaken in accordance with Council's Governance Rules.

## **RELEVANT LAW**

Under the provisions of the Governance Rules, Council must from time to time fix the date, time and place of all Council meetings. There is no similar requirement for Forum meetings.

Once the schedule of meetings has been agreed upon, the Governance Rules provide for:

- Council by resolution, or the Chief Executive Officer following consultation with the Mayor and Councillors and with their agreement, to change the date, time and place of, or cancel, any Council meeting. Reasonable notice of the change must be provided to the public;
- the Chief Executive Officer to cancel or postpone a Council meeting, should an emergency require this;
- the Chief Executive Officer to call a Council meeting in the case of an emergency; and
- the Mayor or at least three Councillors to call a Council meeting by a written notice delivered to the Chief Executive Officer.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

There are no economic impacts associated with the approval of the schedule of Council meetings.

### ***Social Implications***

Council meetings, whether held in person or virtually, provide members of the community with an opportunity to participate in local democracy. Participation enables a greater understanding of Council's decision-making process and promotes open and transparent government. Given the size of the municipality and the distance some members of the community are required to travel, virtual participation has enabled people to easily and conveniently participate and engage in meetings without leaving their homes.

### ***Environmental Implications***

There are no environmental impacts associated with adopting the schedule of Council meetings. Continuation of virtual participation in Council meetings in 2023 and beyond, together with livestreaming meetings, could lead to a reduction in the travel requirements of Councillors, officers and/or members of the community, which in turn could see a reduction in emissions and therefore have a positive impact on environmental factors.

## **COMMUNITY ENGAGEMENT**

There has been no public consultation undertaken in respect of the recommendations within this report. Once adopted, the meeting schedule will be formally advertised, and details placed on Council's website.



## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Not relevant.

## **RISK ASSESSMENT**

There are no risks associated with the recommendations in this report. Council meetings have historically been held on a fortnightly cycle. Council meetings are open to members of the community to attend and, through livestreaming and offering the opportunity to participate by way of teleconference, Council can continue to ensure those who wish to engage with Council are able to do so as easily as possible.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

1. 2023 Meeting Schedule

## Yarra Ranges Council 2023 Schedule of Meetings

Date	No.	Meeting	Venue	Notes
<b>24 January</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>31 January</b>	573	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>7 February</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>14 February</b>	574	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>21 February</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>28 February</b>	575	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>7 March</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>14 March</b>	576	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>21 March</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>28 March</b>	577	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>4 April</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>11 April</b>	578	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>18 April</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>26 April</b>	579	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	Meeting to be held on Wednesday due to Anzac Day public holiday on 25 April
<b>2 May</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>9 May</b>	580	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>16 May</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>23 May</b>	581	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>6 June</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>13 June</b>	582	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>20 June</b>		6pm Council Briefing; 7pm Forum	15 Anderson St, Lilydale	
<b>27 June</b>	583	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	

All Council Meetings will be fully hybrid, livestreamed and held at the Chamber, Civic Centre, 15 Anderson St, Lilydale. Council Briefings and Forum meetings are also fully hybrid and not open to the community to attend.

## Yarra Ranges Council 2023 Public Holidays

All public holiday dates are accurate at the time of publishing, but may be subject to change.

<b>Holiday</b>	<b>Date in 2023</b>
New Year's Day	Sunday 1 January Monday 2 January*
Australia Day	Thursday 26 January
Labour Day	Monday 13 March
Good Friday	Friday 7 April
Saturday before Easter Sunday	Saturday 8 April
Easter Sunday	Sunday 9 April
Easter Monday	Monday 10 April
ANZAC Day	Tuesday 25 April
King's Birthday	Monday 12 June
Friday before the AFL Grand Final	Subject to AFL schedule**
Melbourne Cup	Tuesday 7 November
Christmas Day	Monday 25 December
Boxing Day	Tuesday 26 December

\*As New Year's Day falls on a Sunday, the Monday is an additional public holiday.

\*\*Friday before AFL Grand Final typically falls on the last Friday in September and is subject to the release of the 2023 AFL schedule.

Months with 5<sup>th</sup> Tuesday in 2023: January, May, August, October

## CT7110 PA RECRUITMENT, TRAINING & ASSOCIATED SERVICES 2312-0618

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Report Author: Manager People & Culture and Procurement Coordinator  
 Responsible Officer: Director Corporate Services  
 Ward(s) affected: Not Applicable

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

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

In accordance with the definition included in Section 3(1)(g)(i), (g)(ii) of the Local Government Act 2020, the attachment to this report is considered confidential information as it contains private commercial information (trade secrets); and private commercial information that would unreasonably expose a business, commercial or financial undertaking to disadvantage.

### SUMMARY

This paper has two objectives:

1. The primary objective is to seek Council endorsement to extend, via a Procurement Australia (PA) sourced contract, our existing relationship with Comensura (a labour hire agency brokerage firm, explained in detail below); and
2. This being the second time Council has considered the use of PA contract No. 2312-0618 for Recruitment, Training & Associated Services (“the PA contract”), to seek a blanket approval to use the PA contract where it provides a financial advantage to the organisation to do so (“the secondary objective”).

Regarding the primary objective, the 2022-2026 Financial Plan forecasts that Council will spend between \$77 million and \$79 million on labour costs, per year, over the 4-year period<sup>1</sup>. Most of this expense comprises the salaries and on-costs of our workforce of 870 people.

Approximately 2% of this spend (further analysed below) is a contingent workforce engaged through an employment agency for a short-term duration. For this paper, the term ‘*contingent*’ staff, labour or workforce means where Council engages a labour-hire company to provide one or more individuals for a short-term placement with Council; Council does not employ or in any way *directly* engage the individuals performing the work<sup>2</sup>.

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<sup>1</sup> Source: [Budget: Year Ending 30 June 2023 and 4 years ending 30 June 2026](#), section 3.6.

<sup>2</sup> This is a notable distinction from “*temporary staff*”, recorded in the Budget, which means staff employed directed by Council, but on a fixed-term contract, rather than ongoing employment.

The majority<sup>3</sup> of our contingent labour spend occurs on a platform called Comensura, which is explained in some detail in this paper. Council has used Comensura since 2015, via a contract procured by the Municipal Association of Victoria (MAV), which is due to expire in November 2022.

This paper recommends Council continue its use of Comensura, this time procured through the PA contract, to extend the arrangements to 31 December 2025, which is permitted under Section 108 of the *Local Government Act 2020* (Vic) and Council's Procurement Policy.

## RECOMMENDATION

*That*

1. ***Council accepts the Procurement Australia tender recommendation for Recruitment, Training & Associated Services (Contract No. 2312-0618):***
  - (a) ***Initially until 31 December 2023; and***
  - (b) ***2 one-year extension periods expiring 31 December 2025, subject to recommendations by Procurement Australia, and recommendation (2) (below).***
2. ***Council acceptance is subject to contract evaluation (including overall contract spend analysis) by the Director Corporate Services (which will occur prior to exercise of any extension options including 1 January 2024 and 1 January 2025) to determine if further Council endorsement is recommended for extensions of this contract.***
3. ***Subject to (2) above, the Director Corporate Services be delegated authority to extend the contract term on the terms set out in the Contract and any amended terms proposed by Procurement Australia.***
4. ***Subject to (2) and (3) above, the Manager People & Culture be delegated authority to sign any contract documents.***
5. ***Council approves the ongoing engagement of Comensura Pty Ltd under the Procurement Australia Contract No. 2312-0618, with an estimated annual spend of approximately \$1.5 million per year (incl. GST).***
6. ***The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1) (g)(i), (g) (ii) of the Local Government Act 2020.***

<sup>3</sup> Some niche or specialised roles are dealt with by a separate process. Comensura is an efficient, standardised process, which works well for generic roles.

## RELATED COUNCIL DECISIONS

The decision to enter a contract with Comensura, via the Municipal Association of Victoria (MAV), was made by Council in 2015. It was a 5-year contract with 2 one-year extensions. This contract is approaching expiration and progress by MAV for a new contract is insufficiently advanced for this to be a viable option.

This paper does not propose additional or new spending, rather it governs and makes more efficient, Council's spend on contingent labour within its existing Operating Budget. To that end, the adoption of each year's budget is a related Council decision.

At its meeting on 27 January 2021 (Council minute refer **Attachment 1**), Council endorsed the awarding of CT6212 PA – Temporary Recruitment of School Crossing Supervisors to Hoban Recruitment Pty Ltd under this same PA contract. The January 2021 decision was the first time Council utilised the PA contract. This paper proposes the second use of the PA contract, hence the secondary objective of this paper is to seek Council's blanket endorsement to use the PA contract where we can achieve a superior financial outcome for the organisation, rather than revert to Council piecemeal each time the PA contract is advantageous.

## DISCUSSION

### ***Background to entering a new contract with Comensura via the PA contract***

Procurement Australia placed an advertisement calling for tenders in the Herald Sun newspaper on Wednesday, 27 May 2020 to form a panel to deliver a range of recruitment, training, and associated services across 13 categories. The supply of contingent labour via an agency, which is the subject of this paper, was category 4. The remaining 12 categories are not relevant to the primary objective of this paper, but are the basis of the secondary objective, discussed below.

Tenders closed on Wednesday, 29 July 2020, and a total of 80 submissions were received. Each submission tendered for one or more of the 13 categories.

Of the 80 submissions, 73 were deemed suitable to provide the services under the panel arrangement. Comensura was one such successful tenderer. For a detailed summary of the evaluation, please refer to Attachment 2 - Procurement Australia Evaluation Report - *Confidential*.

Comensura is a unique brokerage service and online platform, brought out from the United Kingdom as an innovative 'market disruptor', which acts as intermediary between the host employer (Council, in this case) and employment agencies supplying this contingent labour (agencies like Hays, Hoban, Ranstad, etc).

Some illustrative examples of Council's use of contingent labour, include where:

- The YRConnect project requires an additional payroll resource for 3 months to implement a new payroll system;
- A works crew team member is ill and can quickly be replaced via an agency like Ranstad; or

- A Maternal and Child Health Nurse resigns, and we engage a Nurse via an agency to fill the void while recruitment for a permanent replacement takes place.

The benefits of the Comensura platform include that it:

- Streamlines the job requests Council seeks agencies to fill into one portal, rather than having, say, 4 hiring managers talking to multiple agency representatives about 4 vacancies on any given day;
- Requires competing agencies to ‘bid’ for the placement, within a range that has been negotiated as part of the contract. The fee range has been negotiated via the Procurement Australia nationwide procurement process, providing economies of scale far beyond what Council could negotiate on its own. The economies of scale discount is significant – some placement fees would be half what could be achieved on the open market;
- Provides an efficient portal through which a Council hiring manager can view candidates, rather than relying on disparate emails from multiple agencies to multiple hiring managers; and
- Provides one invoice per month covering potentially dozens of individual placements (rather than Council having to approve and process those dozen invoices separately).

The arrangement may be visually depicted as follows:

Without Comensura’s intermediation:



With Comensura’s intermediation:



### ***Options considered***

Without a panel of suppliers, Council's People & Culture department, or an individual hiring manager, would be left to negotiate terms with a recruitment agency each time a need arose, or based on an estimated need. Both scenarios put Council in a weak negotiating position (given the need to fill each vacancy is often urgent, and unpredictable) and the limited ability to create competitive tension between agencies.

An alternative option is for Council to run its own tender process and establish its own panel of suppliers which would be time consuming, costly, and would likely result in a slightly smaller panel to the Comensura panel. Without the nationwide economies of scale, this course would also likely achieve an inferior financial outcome. Without Comensura's intellectual property, the efficiencies of a single portal and invoicing process are not available to Council.

Oftentimes, Council would be able to consider utilising a similarly procured, central contract via the Municipal Association of Victoria (MAV) (as we have for the last 7 years). The MAV contract is approaching expiration and procurement for a new contract is insufficiently advanced for this to be a viable option at this time.

### ***Recommended option and justification***

Our evaluation of the Comensura product warrants its continued use for the following reasons:

1. Our experience of using Comensura for the last 7 years has, subject to one limitation<sup>4</sup>, been favourable.
2. Pursuant to the description above of Comensura as a "market disruptor", they are something of a market monopoly, which makes it difficult to compare Comensura to another brokerage firm. Evidence of this point is contained in the attached (confidential) evaluation report from PA where three companies responded to the PA tender: Comensura, Company B and Company C<sup>5</sup>. Comensura is the only brokerage firm, or intermediary, that responded. Asking Company B or C to fill a vacancy would result in that one company putting forward candidates and charging the agreed rate. Putting the vacancy on Comensura would enable multiple companies, perhaps as many as six, and perhaps including Company B and Company C, putting forward candidates and charging the agreed rate.
3. Comensura operates on a 'no-fee-no-placement' basis. When we put a vacancy on the Comensura platform, but do not source a candidate, we are not charged. Thus, Comensura offers an efficient (for reasons of cost-effectiveness and economies of scale, as discussed in this paper) and effective solution.

It is recommended to continue our use of the Comensura platform, and to use the PA contract to do so. PA has established this panel to service their members

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<sup>4</sup> The limitation, as discussed elsewhere in this paper, is that the system works better for homogenous roles than for niche ones. This limitation is overcome by using a Request for Quotation process to partner with boutique, specialist agencies, outside of the Comensura platform, to fill specialist roles.

<sup>5</sup> Redacted for commercial in confidence reasons. See page 40 of the attached PA evaluation report for more detail.



nationwide, including local government. It enables us to access the major labour-hire agencies frequently used by large employers like Council, but at a more favourable rate. PA is a trusted industry partner, the process followed is compliant, the panel is established and fit for purpose and therefore the most cost-effective option for Council.

***Background for blanket approval to use the remaining categories in this PA panel contract***

This secondary objective is aimed at the following scenarios:

- Council occasionally<sup>6</sup> uses the services of recruitment firms to source suitable candidates for longer-term vacancies. We determine which firm to use based on a request for quotation basis, rather than by any blanket approval or 'blind loyalty' to any recruitment firm. This is deliberate, as it causes the hiring manager (with support from the People & Culture (P&C) department) to pause, and consider which agency is best placed to assist with each vacancy (each firm having various strengths in different fields).

Occasionally, the fees quoted by these firms will be less under the PA contract than any quote they provide directly to Council. This is so because the PA contract was negotiated over such a volume that a significant economies of scale discount is achieved.

- In 2024, a review of the processes used by the P&C department to screen prospective employees (police checks, working with children checks, etc.) will fall due. Pre-employment screening is one of the 13 categories of the PA contract. Not having completed that review as at the date of writing this report, it's not possible to say with confidence that the PA contract vendors represent the best value for money for Council<sup>7</sup>. Once that review is complete, if one of the PA contract vendors is the preferred supplier, the blanket approval sought will enable the P&C department to immediately make the change.

In either scenario, without the blanket approval sought, and in strict compliance with the Procurement Policy, the decision to utilise the PA contract would need Council's approval. This is so, even if the spend is as low as \$15,000, because the **total contract spend** is more than \$1 million per year (combining the projected School Crossing Supervisor and Comensura spend).

Such an approach would be an inefficient use of resources, invite Councillors into an immaterial and operational decision-making role, and would add significant delay to decisions that need be made quickly.

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<sup>6</sup> Where the planned recruitment is particularly senior, complex, or where our own internal recruitment efforts have failed. All expenditure is met within departmental operational budgets, and even cumulating the spend, it does not require Council consideration or endorsement.

<sup>7</sup> While we can be confident that the PA contract will offer Council a competitive price for pre-employment screening services, other factors such as how well each vendor's software interacts with Council's recruitment system, or how much manual intervention is required, will be important. Hence the more fulsome review is required.

The sensible approach, expressed in the recommendations of this paper, is for Council to provide a blanket approval of the PA contract, for use where:

- The planned expenditure is necessary, met within approved operating budgets, and approved by the relevant delegation holder; and
- The PA contract represents best value for money, following a sound procurement process, commensurate with the projected spend.

The 13 categories of the PA contract cover a broad range of Human Resources related services. The blanket approval sought will enable Council officers to 'pick and choose' the services for which we opt-in to the PA contract and obtain the best possible commercial advantage for our organisation and ratepayers.

## **FINANCIAL ANALYSIS**

In the past 7 years, the estimated value of the Comensura contract to Council has been \$10,873,610 (inclusive of GST), an average of \$1.5 million per year.

As a proportion of Council's total labour spend, this is approximately 2%, which is common amongst large, complex workforces like Council's.

Future spend for this contract will be funded from within agreed operational budgets as approved by Council each year. This paper governs how our contingent labour spend is administered; it does not request additional resources.

The Comensura system aids prudent financial management, as it enables visibility of the use of contingent labour across Council. Without a centralised system, this expenditure would be paid via hundreds of smaller invoices, signed off by local leaders, and would be more difficult to track.

## **APPLICABLE PLANS AND POLICIES**

This report enables efficient and cost-effective access to contingent labour and is thus an enabler of the YR Ignite Strategy, contributing to the High Performing Organisation strategic objective in the Council Plan.

## **RELEVANT LAW**

This decision complies with the Local Government Act 2020.

It also aids Council's compliance with the *Labour Hire Licensing Act 2018 (Vic)*, further discussed below under the heading "risk assessment".

## **SUSTAINABILITY IMPLICATIONS**

Clause 2 of Council's Procurement Policy states: "*the purpose of this Procurement Policy is to...enhance Council's ability to obtain the best value outcome from purchasing activities referring to a range of considerations, including but not limited to environmental, financial, ethical sourcing, social sustainability, and support for the local economy*".

According to clause 10.5.1 Minimum criteria weighting in Council's Procurement Policy, the criterion of community benefit must have a minimum weighting of 5% for all procurements for goods, services or works of value equal to or greater than \$50,000 (exclusive of GST). Procurement Australia weighted the sub-criteria of social impact and environmental impact for their tender at 12.5% and 2.5% respectively.

When assessing quotations on an 'as required' basis, the panelists' ethical and social impact will be reviewed and the advantages of supporting panelists that are based locally and/or that support the local economy will also be considered.

## **COMMUNITY ENGAGEMENT**

Not applicable.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Many Councils use the Comensura system, which is inherently an innovative disruption of the labour-hire market. It is therefore collaborative, innovative, and demonstrates best-value use of Council's resources.

## **RISK ASSESSMENT**

By partnering with reputable labour-hire firms which have been scrutinised by PA during its procurement process, it helps manage the legal, social, and reputational risk of Council inadvertently partnering with an unscrupulous labour-hire company.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

1. CT6212 PA - Council Minute from 27 January 2021
2. Procurement Australia Evaluation Report - *Confidential*

### **7.3 CT6212 PA – Temporary Recruitment of School Crossing Supervisors**

#### **SUMMARY**

Yarra Ranges Council provides school crossing supervisor services at various locations throughout the municipality. While part of this service is undertaken by Council staff, additional resources are required to meet the demand. These services are procured through employment agencies, via temporary recruitment engagements.

This report seeks approval to appoint Hoban Recruitment Pty Ltd for the Temporary Recruitment of School Crossing Supervisors, in accordance with Procurement Australia's Tender Evaluation Report.

**Moved: Cr Skelton**

**Seconded: Cr Eastham**

*That*

1. *Council award CT6212 PA – Temporary Recruitment of School Crossing Supervisors to Hoban Recruitment Pty Ltd under the Procurement Australia panel contract '2312-0618 – Recruitment, Training and Associated Service' for a period of up to 5 years, commencing 28 January 2021.*
2. *Council authorises the Executive Officer – Strategic Procurement to sign the appointment letter.*
3. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1)(g)(ii) of the Local Government Act 2020.*

**The motion was Carried unanimously.**

Confidential Item

**CT7060 FACILITIES MAINTENANCE TENDER (REPORT TO FOLLOW)**

**14. 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 received prior to the Agenda being printed.

**15. ITEMS THROUGH THE CHAIR**



**16. REPORTS FROM DELEGATES**

**17. 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.*

## DOCUMENTS FOR SIGNING AND SEALING

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Report Author: Governance Officer  
Responsible Officer: Director Corporate Services  
Ward(s) affected: Lyster

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

## CONFIDENTIALITY

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

## SUMMARY

It is requested that the following documents be signed and sealed:

***Creation of Easement – Deed of Release- Yarra Ranges Shire Council and Julie Coles and Trevor Coles.***

Creation of Easement (E2) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 9464 Folio 436 and known as 17 Cambridge Street, Belgrave South.

## RECOMMENDATION

***That the following listed documents be signed and sealed:***

***Creation of Easement – Deed of Release- Yarra Ranges Shire Council and Julie Coles and Trevor Coles.***

## INFORMAL MEETINGS OF COUNCILLORS

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Report Author: Governance Officer  
 Responsible Officer: Director Corporate Services  
 Ward(s) affected: All Wards

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

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

### 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.

### RECOMMENDATION

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

### ATTACHMENTS TO THE REPORT

1. 18 October 2022 - Council Briefing;
2. 18 October 2022 - Council Forum; and
3. 18 October 2022 - Review of Complex Planning Matters.

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing		
<b>Date:</b>	18 October 2022	Start Time: 6.32pm	Finish Time: 6.35pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale		
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child, Andrew Fullagar, David Eastham, Fiona McAllister, Johanna Skelton & Len Cox	
	<b>Via Zoom:</b>	Sophie Todorov	
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Jane Sinnamon, Amanda Kern (Acting Director Planning, Design & Development), Ben Waterhouse (Acting Director Communities) & Bill Millard	
	<b>Officers:</b>	Allison Southwell, Andrew Edge & Sarah Candeland	
<b>Apologies</b>	Richard Higgins & Tim Heenan		
<b>Disclosure of Conflicts of Interest:</b>	Nil		
<b>Matter/s Discussed:</b>	This briefing covered the following items of business to be considered at the 25 October 2022 Council Meeting		
	10.1	Annual Report 2021-2022	
	10.2	2021-2022 Annual Financial Statements and 2021-2022 Performance Statement - Adoption in Principle	
	10.3	Planning Application - YR-2022/59 - 272 Maroondah Highway Healesville - Planning Report	
	10.4	Planning Application YR-2022/125 - 215 Liverpool Road, Kilsyth	
	10.5	Review of Delegations Made to Council Staff	
	10.6	Appointment and Authorisation under the Environment Protection Act 2017 & the Planning and Environment Act 1987	
	10.7	Park Street, Nicholas Street, Mary Road, Elsie Street, Royal Avenue & Imperial Avenue, Wandin North Declaration of Special Charge	
	10.8	Austral Avenue, Upwey Declaration of Special Charge	
	10.9	Nevada Avenue, Upwey Declaration of Special Charge	
	10.10	Belbrook Road, Carween Avenue, The Highway, Weldon Grove and Mast Gully Road (service road), Upwey Declaration of Special Charge	
	10.11	EOI6105 7073: Mt Morton Road Stage 1 (Glen Road to no. 141) and Hood Street Belgrave Heights – Road Improvement Works SCS	
	10.12	EOI6105 7104 - Beresford Road, Road Rehabilitation works	
	10.13	EOI6105 7038: Victoria Road, Railway Road and English Street, Seville - Road Improvement Works Special Charge Scheme	
<b>Completed By:</b>	Sarah Candeland		

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum		
<b>Date:</b>	18 October 2022	Start Time: 7.04 pm      Finish Time: 9.06 pm	
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference		
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child, Andrew Fullagar, David Eastham, Johanna Skelton, Len Cox & Fiona McAllister	
	<b>Via Zoom:</b>	Sophie Todorov	
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Jane Sinnamon, Ben Waterhouse (Acting Director Communities), Amanda Kern (Acting Director Planning, Design & Development), & Bill Millard	
	<b>Officers:</b>	Alison Fowler, Hugh Baulch, Ben Harnwell, Hannah Elliot, Nathan Islip, Jarrod Reid, Allison Southwell, & Sarah Candeland	
	<b>External Guests:</b>	<b>Michelle Bashta</b> (Senior Heritage Advisor, Extent Heritage)	
	<b>Via Zoom:</b>	Alannah Ford, Lael Peters	
<b>Apologies</b>	Cr Tim Heenen & Richard Higgins		
<b>Disclosure of Conflicts of Interest:</b>	Nil		
<b>Matter/s Discussed:</b>	2.1	Action and Agreement Record – 4 October 2022	
	2.2	Heritage Assessments Briefing	
	2.3	Councillor Discussion Time	
	2.4	Final Economic Development Strategy for Adoption	
	2.5	Ministerial Amendment C211 - Restructure Overlay Anomalies	
	2.6	CT7110 Comensura Contract Renewal	
	2.7	2023 Council Meeting Dates	
	3.1	Annual Report 2021-22	
	3.2	Contract Approvals and Variations September 2022	
	3.3	Disability Advisory Committee 2022-26	
	3.4	Aged Care Transition Update	
	3.5	Indicative Forum & Council Meeting Schedule	
	3.6	Mayor & CEO Update	
	4	General Business	
	5	Late Items and Urgent Business	
	<b>Completed By:</b>	Sarah Candeland	

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Review of Complex Planning Items	
<b>Date:</b>	18 October 2022	Start Time: 5.30pm      Finish Time: 6.32pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child, Andrew Fullagar, Fiona McAllister, Johanna Skelton (from 5.42pm) David Eastham, & Len Cox
	<b>Via Zoom:</b>	Sohpie Todorov
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Jane Sinnamon, Ben Waterhouse (Acting Director Communities), Amanda Kern (Acting Director Planning, Design & Development), & Bill Millard
	<b>Officers:</b>	Lauren Richardson, Susan Hartley, Katie Douglas, Corinne Bowen, Lisa Keedle, Nathan Islip, Alison Southwell, Andrew Edge & Sarah Candeland
	<b>External Guest:</b>	<b>Michelle Bashta</b> (Senior Heritage Advisor, Extent Heritage)
<b>Apologies</b>	Richard Higgins & Tim Heenan	
<b>Disclosure of Conflicts of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	YR-2022/125 - 215 Liverpool Road, Kilsyth
	1.2	Burnham Beeches Heritage Update
	1.3	Update on Flooding situation
<b>Completed By:</b>	Sarah Candeland	

**19. URGENT BUSINESS**

*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*



**20. CONFIDENTIAL ITEMS**

*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Confidential Items listed for this meeting.

**21. DATE OF NEXT MEETING**

The next meeting of Council is scheduled to be held on Tuesday 22 November 2022 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



***In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.***

***When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.***

*The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.*

- 1. Councillors will respect the personal views of other Councillors and the decisions of Council.*
- 2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.*
- 3. The Mayor is the official spokesperson for Council.*
- 4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.*
- 5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.*
- 6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.*
- 7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.*
- 8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.*