

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 27 April 2021 commenced at 7:02pm.

Minutes

Vince Lombardi
Acting Chief Executive Officer

Friday 30 April 2021

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 27 April 2021.
The meeting commenced at 7:02pm.**

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Mayor)
Cr Ben Ramcharan	Sugarloaf Ward
Cr Frances Eyre	Swipers Gully Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward

Officers in attendance:

Vince Lombardi	Acting Chief Executive Officer
Melika Sukunda	Finance Manager
Hjalmar Philipp	Director Operations and Infrastructure
Katia Croce	Acting Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Emma Christensen	Acting Governance Lead

- 1. Welcome by the Mayor**
- 2. Acknowledgement of Country**

Acknowledgement of Country was read by Cr Natalie Duffy.

For more than 60 thousand years, this land sky and water belonged to the Wurundjeri Woi Wurrung people. As the owners of this land the Wurundjeri had their own laws, beliefs, ceremonies and environmental ways rooted deep in continuous practice.

Evidence of their long connection to this land can be seen in the eel traps nearby at the Yarra River, the scar trees in the area, oral stories and recorded history.

Wurundjeri remained connected to this land even as the Traditional Custodians of what became the Shire of Eltham and is now Nillumbik Shire Council.

In the Indigenous world view, every event leaves a record in the land and everything in the natural world is a result of the actions of the past.

The practices of acknowledging the Custodians and seeking permission to enter or use resources from the land and waters have always been in place in Indigenous societies around the world.

Cultural practice now is to acknowledge traditional custodianship of the land at the commencement of meetings and events like this Council Meeting. This acknowledgement pays respect to the Traditional Custodians and ancestors.

Importantly it also continues the traditional cultural, spiritual and religious practices of Indigenous people.

Nillumbik Shire Council acknowledges the Wurundjeri Woi Wurrung people who are the Traditional Custodians of this Land. We pay our respect to the Wurundjeri Elders of the past, present and extend that respect to all First Nations people.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Geoff Paine.

4. Prayer

A prayer was read by Captain Allison Footer from the Salvation Army Australia Territory, Greensborough.

5. Apologies

Nil

6. Presentations

Acknowledgement of Former Councillors

The Mayor acknowledged former Councillors:

- Jane Ashton;
- Grant Brooker (apology);
- Peter Clarke;
- John Dumaresq; and
- Bruce Ranken.

Thank you all for coming tonight, for the well-deserved recognition of your service to the community over the previous term of Council.

Many would underestimate the amount of work and hours involved in, firstly, becoming a Councillor and then, if successful, in fulfilling the role.

As Councillors we're very often the first point of contact for many in the community who need assistance to help work through the varied issues in which Councils are involved.

This is of course as it should be.

As Councillors we have been afforded the honour and responsibility of serving our constituents – the Nillumbik community.

It's a very rewarding and humbling experience to be elected into office and given the responsibility to make improvements that leave a legacy into the future of the area where you live.

However, to carry out the role and effectively serve ones community requires a high level of commitment and energy. You guys have certainly shown that for sure.

The five former Councillors whose service we acknowledge tonight are to be commended therefore, for their efforts on behalf of the Nillumbik community during their time on Council.

Naturally when bringing together a diverse group with strongly held views, there will be differences of opinion, and we experienced those over the previous four years.

Nevertheless, despite these differences of opinion, what we had in common was this commitment to serve and improve the lives of those in our community.

I'd therefore like to formally recognise the service of the five former Councillors, four of whom are here tonight.

Jane Ashton was the Councillor for Sugarloaf Ward from 2016 to 2020.

In that time she served as Chair of the Inclusion Advisory Committee, the Environment Advisory Committee and Panton Hill Bushland Reserve System Advisory Committee, as well as being Council's representative on the Northern Alliance for Greenhouse Action, among a number of other responsibilities.

Grant Brooker was the Councillor for Blue Lake Ward from 2016 to 2020.

He served as Chair of the Environment Advisory Committee, as well as Chair of the Panton Hill Bushland Reserve System Advisory Committee and the Inclusion Advisory Committee.

Grant also chaired the Northern Greenhouse Action Alliance among numerous other roles and responsibilities during his time on Council.

Peter Clarke served two terms as Mayor and one as Deputy Mayor during his time as a Nillumbik Councillor for Wingrove Ward.

He was also a member of the Audit Committee and represented Council on a number of external platforms – among these on the Yarra Plenty Regional Library Service Board of Directors, the Northern Metropolitan Region Councils Group and the Interface Councils Group. On behalf of Council, Peter thanks for your work.

Peter Clarke made speech thanking Council.

John Dumaresq served as Councillor for Edendale Ward.

During that time, among his many roles and responsibilities were, Chair of Council's Recreation Trails Advisory Committee, representing Council on the Eltham Chamber of Commerce and Industry as well as on the Metropolitan Transport Forum.

Bruce Ranken was Councillor for Swipers Gully Ward and during his time on Council, Bruce served a term as Deputy Mayor in 2018-2019.

He also served on Council's Audit Committee, was a Councillor representative on the Eltham Chamber of Commerce and Industry and served as Deputy Chair of Council's Economic Development Advisory Committee.

Again, on behalf of Council and the broader Nillumbik community, I would like to thank our former Councillors for their work and service to the community.

I would also like to take this opportunity to present Cr Karen Egan and Peter Clarke with a small token of appreciation for the roles they undertook as Mayor and Deputy Mayor respectively in 2019-2020.

Much of the last year of their term of office was of course dominated by the pandemic, a period of great uncertainty and disruption.

Needless to say it was a challenging time for all, including being on Council, and their work was invaluable in helping Council to operate and continue to deliver its services to the community throughout.

6. Presentations (continued)

Acknowledgement of former Shire of Eltham 150th anniversary

The Mayor acknowledged this month's 150th anniversary of the creation of the former Shire of Eltham, an area which makes up a significant part of today's Shire of Nillumbik.

But of course, no history of the area would be complete without reference to and acknowledgement of its Traditional Custodians, the Wurundjeri Woi-wurrung.

This acknowledgement is crucial to any comprehensive understanding and appreciation of the area's rich and extensive legacy.

The Shire of Eltham was officially proclaimed on the 6th of April 1871, with its origins stemming from the Eltham Road District Board and a previous volunteer road maintenance committee.

When first established, Eltham had a population of 165 people, with a total Shire-wide population of 2,550.

The Shire offices were at various locations over the years including Wingrove Cottage, the former office of the Evelyn Observer newspaper in Kangaroo Ground, on the corner of Main Road and Arthur Street in Eltham and finally the Shire Office in Main Road.

Helped by the extension of the railway from Heidelberg to Eltham in 1902, the population of the district grew, reaching almost 50,000 residents in 1994.

It was at this point when the state-wide local government restructure saw parts of the Shire of Eltham amalgamated with parts of Diamond Valley, Whittlesea and Yarra Ranges to form what is now Nillumbik.

It's also important to acknowledge the contributions of former councillors and staff of the Shire of Eltham across 123 years for the work they did to help shape the Nillumbik we know and love today.

I would also like to thank the Eltham District Historical Society and President Jim Connor for the fantastic job they do day upon day preserve and celebrate the history of our district - ensuring it lives on for future generations.

Thank you

6. Presentations (continued)

Anzac Day 2021

This past weekend I and a number of my fellow Councillors had the great honour and privilege of being able to attend a number of events to commemorate our ANZACs.

While always highly significant, this year's events carried an even greater sense of anticipation after last year, either not being held – or if held, proceeding under very different circumstances.

On Friday, I attended the Arthurs Creek Primary School Anzac Ceremony.

This event is fast becoming a highlight on the local calendar and it's no surprise given the enthusiasm with which the school community has embraced the occasion.

It was heart-warming to see such an outstanding example of a younger generation recognising and appreciating the ANZAC legacy.

On Sunday I also attended the Montmorency-Eltham RSL Dawn Service and the Diamond Creek RSL Sub-Branch Service.

Some of my fellow councillors also attended the Hurstbridge Sub-Branch RSL Service and the Friends of Kangaroo Ground War Memorial Park Service.

As I remarked earlier, last year we were forced to forgo these events, as indeed we had to for so much else in our lives during last year, so it was particularly pleasing to attend in person.

These events reinforced the very special place Anzac Day holds in our hearts and in our nation's history.

It's an opportunity for us to recognise the sacrifices made by so many and to reflect and express our undying gratitude.

We commemorate Anzac Day as our way of honouring the pain, suffering and ultimate sacrifices made by our service men and women who fought and played their parts in not just the First World War, but also in the Second World War, in Korea, Vietnam, Afghanistan and in all other theatres of war and in numerous peace keeping efforts throughout the world.

Importantly Anzac Day is also about recognising the sacrifices made by so many mothers and fathers, brothers and sisters, wives and husbands whose loved ones either didn't return from war, or who returned so deeply affected that their lives were never the same.

It was rewarding to see our community honouring the deeds of those who, with immense bravery and a strong sense of duty, made great sacrifices, often giving their lives to protect our freedom and the freedom of others.

Equally rewarding was seeing the lessons of this sacrifice – learnt at such great cost – continued to be taught to emerging generations.

Lest We Forget.

7. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 23 March 2021.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That the minutes of the Council Meeting held on Tuesday 23 March 2021 be confirmed. (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

PT.001/21 Petition - Traffic measures in Margaret Street, Research

A petition containing **20** signatures from residents requesting that steps be taken by Council to reduce the amount of 'through' traffic using Margaret Street, Research and reduce the speed at which it is travelling.

The following statement was received from the petition organiser:

To the Infrastructure Team, Nillumbik Shire Council

We are residents of Margaret Street (including Afton Court) in Research which is a 'Local Traffic Only' road and barely more than one lane wide in most parts. In many sections vehicles approaching head on have to stop and negotiate manoeuvring around each other. Over the last few years there has been a noticeable increase in traffic using Margaret Street as a "shortcut". Invariably the 'non-local' traffic is attempting to get from A to B in a minimal time and traverse the narrow and windy sections of road at well above safe speeds.

Many locals use the road in conjunction with, or to get to, the Aqueduct Trail. As such, with no sidewalks and various impassable roadside areas, adults, children and their family pets walk along the road and are in danger of being hit by motorists travelling, and approaching corners, at dangerous but *mostly* "legal" speeds. Indeed when you communicate to motorists that they are travelling too fast the most common response is that they are driving "at the speed limit" and more often than not it is conveyed in an aggressive manner.

I recently watched on in astonishment as a large tipper truck sped into one side of a 'blind corner' that is visible from our property. A 4WD utility approached from the opposite direction, both vehicles travelling too fast to be able to pull up in the event of a vehicle coming towards them. Needless to say the truck had absolutely nowhere to go so the utility was run off the side of the road into the scrub and was stuck on the embankment until the driver exited and engaged his 4WD. Thank goodness a pedestrian, jogger, cyclist or horse rider was not an unwilling participant in this debacle, the results would have been devastating, possibly fatal.

Margaret Street was never designed as a through road, it was apparently not even connected in the middle in the past and does not display on most navigation software as a through road as it is a 'Local Traffic Only' road.

Our street has natural roadside areas which form part of the habitat for the local fauna and extends right to the road edge and actually overhangs the road in a number of places. As such drivers regularly kill wildlife including Blue Tongue lizards and Tawny Frogmouths. Increased volume and speed of traffic results in increase to the number of animals killed.

It is for these reasons that I respectfully request that some steps be taken to reduce the amount of 'through' traffic using Margaret Street and reduce the speed at which it is travelling. I would like to see a 40kmh speed limit and an appropriate amount of signage indicating such. There is only one sign designating the street as 'Local Traffic Only' which is located on a power pole at the Ingrams Street end. This sign is inconspicuous and only visible after entering Margaret Street. There are no signs to indicate that the street is for local traffic only at the Parsons Street end. I would like to see prominent signage at either end of Margret Street indicating that it is for 'Local Traffic Only' that are clearly visible to drivers *before* they enter the street.

I look forward to your response to this issue.

Yours sincerely

[Petitioner organiser]

Recommendation

That Council:

1. Receives and notes the petition concerning 'Margaret Street Research traffic' in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Operations and Infrastructure for investigation and response.
3. Notes that officers will advise the petition organizer and Councillors of the outcome.

Motion

MOVED: Cr Frances Eyre
SECONDED: Cr Ben Ramcharan

That Council:

1. Receives and notes the petition concerning 'Margaret Street Research traffic' in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Operations and Infrastructure for investigation and response.
3. **Writes to the petition organisers and notes the petition has been received and apologises for the delay in actioning.**
4. Notes that officers will advise the petition organizer and Councillors of the outcome.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Ben Ramcharan

That Council:

1. Receives and notes the petition concerning 'Margaret Street Research traffic' in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Operations and Infrastructure for investigation and response.
3. Writes to the petition organisers and notes the petition has been received and apologises for the delay in actioning.
4. Notes that officers will advise the petition organizer and Councillors of the outcome.

CARRIED UNANIMOUSLY

Corrienne Nichols Executive Manager Communities left the meeting during discussion of this item at 7:25pm.

10. Questions from the gallery

Doug Evans from Christmas Hills Landcare Group asked the following question:

Prior to agreeing to, or offering any alternatives to, Melbourne Water's proposed amendment associated with the sale of land in Christmas Hills, will Council representatives (relevant officers and Councillors) meet with community representatives from the Christmas Hills Landcare Group, the Christmas Hills Mechanics Institute Committee of Management, and the Christmas Hills Fire Brigade to understand their perspectives and together explore options, with the aim of finding a preferred position that can be agreed on and supported by both Council and these community organisations, and if not why not?"

Response

Council is being asked by Melbourne Water to resolve to support (or not) the proposed amendment to the Nillumbik Planning Scheme to allow for divestment of their land at Christmas Hills, in order to meet Melbourne Water's timeframes for the project. We have been advised there is no flexibility to change these timeframes.

Melbourne Water intend to refer the proposed amendment to the Government Land Planning Service (GLPS) who will run the amendment process through an Advisory Committee, where Council is a submitter to the process only. The Advisory Committee process will include public exhibition as part of the amendment process where both Council and the community will have the opportunity to prepare submissions to the proposed amendment.

Regardless of tonight's decision, officers and Councillors would be happy to meet with community representatives from the Christmas Hills Landcare Group, the Christmas Hills Mechanics Institute Committee of Management, and the Christmas Hills Fire Brigade to understand their perspectives and elaborate on the GLPS process.

Gila Schnapp asked the following questions:

Question 1

Was there any public consultation on the decision by Melbourne Water to declare the Christmas Hills reservoir site to be no longer required?

Response 1

Melbourne Water has undertaken public consultation regarding the proposed disposal and planning scheme amendment and with key stakeholders.

Since 2017 Melbourne Water have conducted:

- 25 face to face meetings
- 226 direct mail
- 2 community drop in sessions
- 7 enquiry by design sessions
- 102 online submissions.

Further public consultation of the proposed planning scheme amendment will be undertaken by the Government Land Planning Services (GLPS), on behalf of the Minister for Planning who is the responsible authority undertaking the amendment.

Question 2

Is there an opportunity for Council to request a reversal of this decision following public consultation?

Even if it means a smaller reservoir is used instead, particularly given the shortage in the Shire of potable water and water for farming needs and fire protection.

Response 2

In 2012 approximately 1000 hectares of Melbourne Water land in Christmas Hills set aside as Public Use Zone for a potential reservoir was determined to no longer be required. In 2012, Melbourne Water undertook a comprehensive review of potential augmentations of Melbourne's water supply system which included consideration of the need for the Watsons Creek Reservoir.

The review took into account financial, environmental, social, technical and climatic considerations. As a result of this analysis, it was determined that the Watsons Creek Reservoir was no longer a preferred long term option. The recommendation was supported by State Government and the relevant water retailers. Melbourne Water has since deemed the land as surplus to their requirements.

The Amendment accordingly facilitates the divestment of the land by applying appropriate planning controls (zones and overlays) and removing redundant overlay controls affecting land in the project area.

Kelly Grant asked the following questions:

Question 1

Given that several Councillors have stated their support for Community organisations and the Arts in Nillumbik and that it was known to Council in 2020 that Eltham Craft and Produce Market was seeking to transfer management, on what grounds did the Council not offer support to Rotary to assist with a smooth transition?

Response 1

Eltham Community Market Stallholders Association Inc. (the Committee) who operate the Eltham Community Craft and Produce Market formally advised Council on 22 January 2021 that it would cease operating the market.

The most appropriate process to appoint a new operator is to run a public Expression of Interest process.

Question 2

Moving forwards, what actions will Nillumbik Council take, other than tabling an EOI, in support of the Eltham Craft and Produce Market and to ensure that craftspeople within the Shire continue to have the opportunity to share their work with the Nillumbik and wider community?

Response 2

On tonight's Council Meeting Agenda, Councillors will consider granting a licence agreement to a new operator of the market.

11. Reports of Advisory Committees

AC.004/21 Advisory Committee Report - 27 April 2021

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Janet Taylor, Governance Officer

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council.

The Recreation Trails Advisory Committee Meeting held 24 March 2021 and the Positive Ageing Advisory Committee Meeting held 9 April 2021. The minutes of each meeting are attached (**Attachment 1**).

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Natalie Duffy

That the minutes of the Recreation Trails Advisory Committee Meeting held 24 March 2021 and the Positive Ageing Advisory Committee Meeting held 9 April 2021. (**Attachment 1**) be noted.

CARRIED UNANIMOUSLY

12. Reports of Special Committees

Nil

13. Officers' reports

CM.052/21 Domestic Animal Management Plan 2022 - 2026

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Megan Sparks, Team Leader Community Safety and Amenity Support
Caroline Correa, Community Safety Coordinator
Jonathan McNally, Manager Community Safety and Amenity****Summary**

The 2017 – 2021 Domestic Animal Management Plan (DAMP) was developed in line with section 68A of the *Domestic Animal Act 1994* (the Act). Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services related to community expectations around responsible pet ownership. This Plan continues to build on the foundation of work undertaken by Council through the development of its adopted 2017-2021 Domestic Animal Management Plan. This report provides Council with an annual update of the DAMP, as required by the Act.

Section 68A of the Act also requires every Council to prepare a Domestic Animal Management Plan at 4-year intervals. The current plan expires in October 2021, and a new plan must be adopted by Council by December 2021. Any new DAMP must build on the Council's previous plan. The review, development, consultation and adoption of the DAMP will require extensive community consultation and engagement with key stakeholders. Engagement for the DAMP will focus on the core areas of animal management, animal welfare, responsible pet ownership, Local Laws (such as the cat curfew), as well as the importance of educating the community of desexing and microchipping.

Officers have prepared an Engagement Plan (**Attachment 3**) for the development of a new DAMP, with a program of community engagement on domestic animal management to occur through May and June 2021.

Council Resolution

MOVED: Cr Natalie Duffy**SECONDED: Cr Geoff Paine****That Council**

1. Receives and notes the actions undertaken to complete Year three of the 2017 – 2021 Domestic Animal Management Plan (**Attachment 1**), including the progress in the attached DAMP Action Plan – Year 3 (**Attachment 2**).
2. Resolves to begin Community Consultation for the 2021 Nillumbik Shire Council's Domestic Animal Management Plan, in line with the attached Engagement Plan (**Attachment 3**).

CARRIED UNANIMOUSLY

13. Officers' reports

CM.053/21 Local Law Review

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Shannon Maynard, Coordinator Recreation and Leisure****Jonathan McNally, Manager Community Safety and Amenity****Summary**

Local Laws have a maximum 10 year life and Nillumbik's *Amenity Local Law* (**Attachment 1**) and *Infrastructure Assets Local Law* (**Attachment 2**) are set to expire in 2023. Councils use local laws to respond to issues and community needs within a municipality. These local laws complement their responsibilities and powers under state laws.

The review, development, consultation and adoption of Local Laws is generally a lengthy and potentially complex process. It is expected the whole project will take approximately 18 months in order to ensure sufficient time to allow community consultation, commensurate with the significance of the changes and the potential community impact, and undertake a rigorous review process to ensure compliance with the Local Government Act, regulations and best practice guidelines.

The purpose of this report is to seek a Council resolution to formally begin the process to replace both Local Laws, starting with a discussion paper for community consideration.

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Geoff Paine****That** Council resolves to:

1. Formally undertake the process to replace the *Amenity Local Law* and the *Infrastructure and Assets Local Law*
2. Endorse the Community Engagement Plan
3. Endorse the Discussion Paper for the purpose of undertaking the Community Engagement Process.

CARRIED UNANIMOUSLY

13. Officers' reports**CM.054/21 Christmas Hills - Melbourne Water Divestment and Planning Scheme Amendment**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

A review of Melbourne Water's supply system was undertaken in 2012 and identified land reserved for the future Watsons Creek Reservoir is no longer required. The land has subsequently been declared surplus.

Given the land is now surplus it must be divested pursuant to the *Victorian Government Land Transactions Policy and Guidelines* (VGLTP 2016) which controls divestment of government land, and sets out a policy for land transactions.

The amendment area comprises approximately 1,319 hectares of land in the localities of Christmas Hills, Panton Hill and Smiths Gully and approximately 150 land titles which include public land owned by Melbourne Water and private and public land previously reserved (through application of the PAO – approximately 313 ha) for the purposes of the Watsons Creek Reservoir.

Melbourne Water propose an amendment to the Nillumbik Planning Scheme in divestment of its land. The purpose of the proposed amendment is to apply alternative zoning - predominantly the Rural Conservation Zone Schedules 3 and 4 (RCZ) and other relevant planning provisions to land within the amendment area, to allow for the sale of this land, over time, in accordance with the VGLTP requirements.

Council have been asked by Melbourne Water to resolve to support the proposed amendment at this Council meeting in meeting their timeframes for the project.

Subject to Council's resolution, the amendment will not follow the traditional planning scheme amendment process. Melbourne Water will refer the proposed amendment to the Government Land Planning Service (GLPS) who will run the amendment process through and advisory committee.

The Minister for Planning is the planning authority for changes to planning provisions for government land that are subject to assistance by the GLPS in this process. The indicative timeframe for this process is 6-8 months.

Recommendation**That Council:**

1. Does not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report;
2. Provide written advice to Melbourne Water advising Council do not wish to become the committee of management for the Christmas Hills Tennis Court, and therefore application of a public use zone would not be applicable; and
3. Directs officers to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

1. Does not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report;
2. **Authorises the Mayor to write to the Minister for Planning and local MPs requesting that the Christmas Hills Tennis Courts be retained by Melbourne Water or gifted to Council in order to protect it as a valuable community asset.**
3. Directs officers to **work with councillors and the Christmas Hills community** to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

1. Does not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report;
2. Authorises the Mayor to write to the Minister for Planning and local MPs requesting that the Christmas Hills Tennis Courts be retained by Melbourne Water or gifted to Council in order to protect it as a valuable community asset.
3. Directs officers to work with councillors and the Christmas Hills community to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.055/21 2021 Annual Community Survey Results

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: James Hartigan, Business Performance Analyst****Summary**

The results of the 2021 Annual Community Survey have been received, which was conducted by Metropolis Research in February 2021 (**Attachment 1**). This annual survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community.

The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

The 2021 survey findings were variable, with results influenced by a change in survey methodology (from face-to-face to telephone) and also the impact of COVID-19 restrictions and closures on resident activity and Council service availability and access.

Among the key results, community satisfaction with Council's overall performance was rated at 6.59 out of 10, a slight decrease of 1.5% compared to the 6.69 result in 2020. Beyond this headline statistic, the survey provides a rich amount of data on community sentiment.

With the level of data and information provided in this survey, Council will be able to analyse the results as they apply to individual areas and activities, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future planning and making budgetary decisions.

Council Resolution

MOVED: Cr Richard Stockman**SECONDED: Cr Ben Ramcharan****That Council:**

1. Receives and notes the results of the 2021 Annual Community Survey (**Attachment 1**).
2. Makes the report's findings available to the public on Council's website.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.056/21 Council Plan Quarterly Performance Report - 2020-2021 - Quarter 3

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: James Hartigan, Business Performance Analyst
Sue Richards, Business Performance Project Officer

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The attached report provides the third update on delivery progress and performance of the 2020-2021 Annual Action Plan priority actions, which aligns to delivery of the final year of the Council Plan 2017-2021.

Of the 18 actions in the 2020-2021 Annual Action Plan, 14 actions are 'on track', one action is complete and three actions have minor issues. The overall position reflected in the report suggests that Council continues to make a solid effort at delivering on the priority actions of the Council Plan and significant outcomes for the community.

The entire year's performance against the delivery of the Council Plan will be published in the Annual Report 2020-2021, which will be presented to the community later in 2021.

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Richard Stockman

That Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the third quarter, being the period ending 31 March 2021.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.057/21 March Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report outlines Council's financial performance and financial position for the period ended 31 March 2021.

The Income Statement shows an overall favourable year to date (YTD) variance of \$685,106 representing 1.98 percent of YTD Budget. This reflects the combined result of lower than budgeted operating income of \$334,406 and lower than budgeted operating expenses of \$1.019 million.

Council's overall financial position at the end of this quarter is sound. The impacts of the state of emergency due to the coronavirus pandemic continue to be monitored.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council receives and notes the Financial Report for the period ended 31 December 2020 (**Attachment 1**).

CARRIED UNANIMOUSLY

13. Officers' reports

CM.058/21 Mayoral and Councillor Allowances

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report considers the review of Mayoral and Councillor Allowances paid in accordance with the *Local Government Act 1989* (the 1989 Act).

Under section 74(1) of the 1989 Act, Council must review and determine the level of mayoral and councillor allowances within six months of a general election or by 30 June, whichever is later.

It is recommended that the allowances for Nillumbik be maintained at the existing levels.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Ben Ramcharan

That Council:

1. Having reviewed the Mayoral and Councillor allowances, determine to fix the allowances at the existing levels for the four-year term of Council as follows:
 - a) Mayoral allowance \$81,204
 - b) Councillor allowance \$26,245.
2. Give public notice of the determination of allowances in accordance with sections 74 and 223 of the *Local Government Act 1989*, inviting written submissions within 28 days, and consider any written submissions at the Planning and Consultation Committee meeting at 7pm on Tuesday 8 June 2021.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.059/21 Draft Revenue and Rating Plan 2021-2025

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

This report presents the draft Revenue and Rating Plan 2021-2025 (the Plan) for Council approval prior to exhibition for public consultation. The Revenue and Rating Plan 2021-2025 (the Plan) is a newly introduced requirement under section 93 of the *Local Government Act 2020* (the 2020 Act).

The purpose of the Revenue and Rating Plan is to establish a rating and revenue strategy. The Draft Revenue and Rating Plan outlines Council's most significant sources of income and provides a framework for informing the income projections in Council's Financial Plan 2021-2025.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Frances Eyre****That Council:**

1. Adopts the draft Revenue and Rating Plan 2021-2025 (**Attachment 1**) for the purposes of section 93 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance with section 223 of the *Local Government Act 1989* and section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council meeting proposed to be held at 7:00 pm on Tuesday 22 June 2021, the Revenue and Rating Plan 2021-2025 (**Attachment 1**).
3. Notes that any person who makes a written submission in relation to the draft Revenue and Rating Plan 2021-2025 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held in the Council Chamber, Civic Centre, at 7:00 pm on Tuesday 8 June 2021.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.060/21 Financial Hardship Policy – COVID-19 Pandemic Event

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report presents the updated temporary Financial Hardship Policy – COVID-19 Pandemic Event for Council's endorsement.

Council has a Financial Hardship Policy – COVID-19 Pandemic Event which was endorsed by Council in April 2020, with an extension endorsed in September 2020. The temporary policy provides guidelines to assist in the assessment of applications received for the deferment of rates and charges due to financial hardship.

The temporary policy has updated to extend the temporary provisions to 31 May 2021.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Richard Stockman

That Council:

1. Endorses the Financial Hardship Policy – COVID-19 Pandemic Event (**Attachment 1**).
2. Notes that these temporary provisions will be reviewed at the May 2021 Council Meeting.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.061/21 Procurement Policy Update

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Lance Clark, Senior Procurement Specialist

Summary

In accordance with Section 186A of the Local Government Act 1989, (LGA 1989) Council must prepare and approve a Procurement Policy and review at least once in each financial year (last reviewed in July 2020).

Under Section 108 of the *Local Government Act 2020* (LGA 2020) Councils will be required to adopt a new Procurement Policy prior to 31 December 2021. The new Procurement Policy cannot be adopted before 1 July 2021.

In order to meet the legislative requirements it is proposed that the current Policy be extended to 1 July 2021, when the new policy will take effect.

The new Procurement Policy under LGA 2020 is being prepared in collaboration with the Northern Councils Alliance (NCA), with the intention to standardise the compliance aspects of the Procurement Policy across all seven Councils.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council adopts the existing Procurement Policy 2020-2021 (**Attachment 1**)

CARRIED UNANIMOUSLY

13. Officers' reports

CM.062/21 Informal Meetings of Councillors Records - 27 April 2021

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Janet Taylor, Governance Officer****Summary**

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meetings of Councillors held.

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 23 March 2021.

An Informal Meetings of Councillors Record was kept for:

- Informal Environment & Sustainability Advisory Committee Meeting – Urban Tree Canopy held 10 March 2021.
- Informal Meeting with Clean Energy Nillumbik held 16 March 2021.
- Councillor Briefing held 16 March 2021.
- Climate Action Plan meeting held 23 March 2021.
- Pre-Meeting to Council Meeting held 23 March 2021.
- Recreational Trail Advisory Committee Meeting held 24 March 2021.
- Economic Development Advisory Committee Meeting held 31 March 2021
- Councillor Briefing held 6 April 2021.
- Pre-meeting to Planning and Consultation Committee Meeting held 13 April 2021.

Council Resolution**MOVED: Cr Karen Egan****SECONDED: Cr Frances Eyre**

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records held 10 March 2021, 16 March 2021, 16 March 2021, 16 March 2021, 23 March 2021, 23 March 2021, 24 March 2021, 31 March 2021, 6 April 2021 and 13 April 2021 as contained in (**Attachment 1**).

CARRIED UNANIMOUSLY

13. Officers' reports

CM.063/21 Expression of Interest - Craft and Produce Market in Eltham

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance**

Summary

Council was notified by the Eltham Community Market Stallholders Association Inc. (the Committee) on 22 January 2021 that they were no longer able to operate the Eltham Craft and Produce Market under their existing Licence Agreement with Council.

Council's intention is to source an alternative operator, to conduct a craft and produce market from the same location, being in the vicinity of Library Place, Eltham (as depicted in **Attachment 1**).

The most appropriate process to appoint a new operator (and determine the level of interest and on what terms and conditions they are offering) was to conduct a public Expression of Interest (EOI) process; which any business, organisation or community group could respond to by submitting a proposal.

The EOI process has now been conducted. Two submissions were received and have been assessed by an Evaluation Panel (EP).

This report provides a summary of the EP's submission assessment, and recommends granting of a Licence Agreement for the operation of a craft and produce market in Eltham.

Recommendation

That Council:

1. Grant a Licence Agreement to Proponent B _____ as shown in (**Attachment 2**), to operate the Eltham Craft and Produce Market, which includes the following key terms and conditions:
 - **Licence Area:** That part of the land thereon known as:
 - 4-10 Panther Place Eltham (Eltham Library);
 - 829 Main Road Eltham (Alistair Knox Park); and
 - 895 Main Road Eltham (old shire offices).
 - **Permitted Days and Hours of Operation:** 8:30am to 2.00pm on the third Sunday of each month, and also the first Sunday in December. Any additional hours will need to be agreed upon and approved by Council's Manager, Assets and Property, or such person acting in that role.
 - **Licence Fee:** Nil.
 - **Licence Term:** 3 years commencing 10 May 2021.
 - The Licence Agreement be conditional upon the preferred proponent drafting and implementing a Traffic Management Plan for the market, to the satisfaction of Council.

2. Authorises the Manager Property and Facilities Maintenance to finalise and execute the Licence Agreement.
3. Advises all Proponents accordingly.
4. Resolves that the Evaluation Scorecard – EOI Eltham Craft and Produce Market (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Acknowledge publicly the previous Eltham Craft and Produce Market Committee Members for their volunteer work within the local community.

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Grant a Licence Agreement to Proponent B _____ as shown in (**Attachment 2**), to operate the Eltham Craft and Produce Market, which includes the following key terms and conditions:
 - **Licence Area:** That part of the land thereon known as:
 - 4-10 Panther Place Eltham (Eltham Library);
 - 829 Main Road Eltham (Alistair Knox Park); and
 - 895 Main Road Eltham (old shire offices).
 - **Permitted Days and Hours of Operation:** 8:30am to 2.00pm on the third Sunday of each month, and also the first Sunday in December. Any additional hours will need to be agreed upon and approved by Council's Manager, Assets and Property, or such person acting in that role.
 - **Licence Fee:** Nil.
 - **Licence Term:** 3 years commencing 10 May 2021.
 - The Licence Agreement be conditional upon the preferred proponent drafting and implementing a Traffic Management Plan for the market, to the satisfaction of Council.
2. Authorises the Manager Property and Facilities Maintenance to finalise and execute the Licence Agreement.
3. Advises all Proponents accordingly.
4. Resolves that the Evaluation Scorecard – EOI Eltham Craft and Produce Market (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. **Acknowledge the previous Eltham Craft and Produce Market Stallholders Association Committee for their efforts over the past 43 years in running this not for profit community market in their volunteer capacity.**
6. **Acknowledge the stallholders who have made the Eltham Craft and Produce Market the local attraction that it has been within Eltham and their most generous donations to local charities and community groups. Council congratulates you all on giving back \$147,000 to our community over the last 12 years of your operation.**
7. Resolves that the successful proponent be named.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Grant a Licence Agreement to Proponent B - Diamond Valley Community Support Inc. as shown in (**Attachment 2**), to operate the Eltham Craft and Produce Market, which includes the following key terms and conditions:
 - **Licence Area:** That part of the land thereon known as:
 - 4-10 Panther Place Eltham (Eltham Library);
 - 829 Main Road Eltham (Alistair Knox Park); and
 - 895 Main Road Eltham (old shire offices).
 - **Permitted Days and Hours of Operation:** 8:30am to 2.00pm on the third Sunday of each month, and also the first Sunday in December. Any additional hours will need to be agreed upon and approved by Council's Manager, Assets and Property, or such person acting in that role.
 - **Licence Fee:** Nil.
 - **Licence Term:** 3 years commencing 10 May 2021.
 - The Licence Agreement be conditional upon the preferred proponent drafting and implementing a Traffic Management Plan for the market, to the satisfaction of Council.
2. Authorises the Manager Property and Facilities Maintenance to finalise and execute the Licence Agreement.
3. Advises all Proponents accordingly.
4. Resolves that the Evaluation Scorecard – EOI Eltham Craft and Produce Market (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Acknowledge the previous Eltham Craft and Produce Market Stallholders Association Committee for their efforts over the past 43 years in running this not for profit community market in their volunteer capacity.
6. Acknowledge the stallholders who have made the Eltham Craft and Produce Market the local attraction that it has been within Eltham and their most generous donations to local charities and community groups. Council congratulates you all on giving back \$147,000 to our community over the last 12 years of your operation.
7. Resolves that the successful proponent be named.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.064/21 Tender Report - Contract 2021-48 Provision of Loan Finance

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

**Author: Melika Sukunda, Finance Manager
Lance Clark, Senior Procurement Specialist**

Summary

This report recommends the awarding of Contract 2021-48 for Provision of Loan Finance

The purpose of this loan request is to enable Nillumbik Shire Council to fund a portion of the capital works program for the 2021-2022 year.

As per the adopted 2020-2021 Budget, Council resolved to take out \$3.303 million in new borrowings for a number of significant capital projects and to allow Council to respond to Federal Government stimulus opportunities.

The total amount to be borrowed is (Australian) Three Million Three Hundred and Three Thousand Dollars (AU\$3,303,000) and the required loan period is for a ten (10) year term.

The term of the loan is fixed rate, principal and interest based on a ten (10) year repayment term.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-48 for Provision of Loan Finance.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accepts the tender submitted by the **Tenderer A** _____ for the sum of \$ _____ and enter into the following contract:
Number: 2021-48
Title: Provision of Loan Finance
Term: Ten (10) years with first instalment due July 2021
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Resolve that the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the **Tenderer A** _____ for the sum of \$ _____ and enter into the following contract:
Number: 2021-48
Title: Provision of Loan Finance
Term: Ten (10) years with first instalment due July 2021
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Resolve that the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
5. **Resolves that the successful tenderer be named and the sum disclosed.**

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the **Tenderer A** - National Australia Bank Limited for the sum of \$3,303,000 and enter into the following contract:
Number: 2021-48
Title: Provision of Loan Finance
Term: Ten (10) years with first instalment due July 2021
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Resolve that the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
5. Resolves that the successful tenderer be named and the sum disclosed.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.065/21 Grant-funded Project

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Heath Gillett, Manager Recreation and Leisure

Nathan Roberts, Recreation and Open Space Planner

Summary

This report relates to a grant funded project. In line with common practice, Council has been requested by the funding body to not disclose any information about the funding, or names of successful or unsuccessful projects until the head of the funding body or their authorised representative has made the information publicly available.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Frances Eyre

That Council notes this report.

CARRIED UNANIMOUSLY

14. Notices of Motion

Nil

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

Pursuant to section 66(2) of the *Local Government Act 2020* (the Act), the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

CM.066/21 Grant Funded Project

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to paragraph (g(ii)) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Frances Eyre

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.

CARRIED UNANIMOUSLY

The meeting closed to members of the public at 8:48pm.

The meeting re-opened to members of the public at 9:04pm

18. Close of Meeting

The meeting closed at 9:04pm.

Confirmed: _____

Cr Peter Perkins, Mayor