

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 June 2021 commenced at 7:01pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 2 July 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 29 June 2021.
The meeting commenced at 7:01pm.**

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil 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:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Joseph Emmanuel	Acting Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Nichole Johnson	Manager Community Partnerships
Emma Christensen	Senior Governance Officer

1. Welcome by the Mayor

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Peter Perkins.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Ben Ramcharan.

4. Prayer

A prayer was read by Pastor Tim Stringer from the Calvary Lutheran Church Greensborough.

5. Apologies

Cr Natalie Duffy has submitted a request for Leave of Absence from Tuesday 29 June 2021 to return Tuesday 20 July 2021.

Council Resolution

MOVED: Cr Frances Eyre
SECONDED: Cr Ben Ramcharan

That Council approves a Leave of Absence for Cr Natalie Duffy from Tuesday 29 June 2021 to return Tuesday 20 July 2021.

CARRIED UNANIMOUSLY

6. Presentations

Queen's Birthday 2021 Honours List

The Mayor Cr Peter Perkins noted it was great, yet again, to see members of our community being recognised for their achievements in the recent Queen's Birthday Honours List and gave acknowledgement to them and their achievements.

The following Nillumbik residents were appointed Members of the Order of Australia (AM) in the General Division:

- Dr Ian Baldwin, for significant service to critical care nursing, and to medical research.
- Associate Professor Edwina Wright, for significant service to medicine and research, notably for people living with HIV/AIDS

The following people were awarded a Medal of the Order of Australia (OAM) in the General Division:

- Deborah Halpern, for service to the arts.
- Pamela Vardy, for service to horticulture and to radio media.

I would like to commend each of them for their dedication, service and achievement of excellence in their respective fields.

They embody the Nillumbik ethos of service, diligence, commitment and above all, serving the broader community.

Thank you.

Sporting Presentations

Ally Brooks (Ellis Ward) received \$150 as a contribution for being selected to represent Victoria at the Australian Track and Field Championships in Sydney.

Nillumbik Shire Council wishes Ally every success with her future sporting pursuits.

7. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 25 May 2021.

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That the minutes of the Council Meeting held on Tuesday 25 May 2021 be confirmed (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Cr Ramcharan disclosed an interest in the Petitions item as he had been involved in the Nillumbik Climate Emergency Action Team in the past. Cr Ramcharan advised that he does not have a conflict of interest however for the purposes of transparency disclosed the interest for the public record.

9. Petitions

PT.002/21 Petition - Requesting Council vote on a Motion to declare a state of Climate Emergency

A petition containing 1,846 signatures requesting that Nillumbik Council vote on a Motion for the Council to declare a state of Climate Emergency.

The following statement was received:

“We at Nillumbik Climate Emergency Action Team NCEAT – (formerly Climate Emergency Nillumbik) respectfully ask Nillumbik Council to vote on a motion for the Council to **declare a state of Climate Emergency**, supported by a climate emergency response (mitigation, resilience, education and advocacy) as the **number one priority** of council at all levels of its operation. We ask that this Climate Emergency Declaration be written into the Council’s Strategic Plan and the Council’s Climate Action Plan, and be used to inform all performance and outcomes for the Council’s CEO, Board and staff.”

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Receives and notes the petition requesting Council to vote on a motion to declare a state of Climate Emergency in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Operations and Infrastructure for investigation and response.
3. Notes officers will advise the petition organiser and Councillors of the outcome.

CARRIED UNANIMOUSLY

10. Questions from the gallery

Alexander Collum asked the following questions:

Question 1

Will Council be taking some of its meetings 'on the road' across the Shire in the coming year, as most recently occurred during Cr Egan's term as Mayor?

Response 1

Taking Council meetings back 'on the road' is an option we will consider over the course of this Council term.

Importantly, Council moved to livestreaming all its Council and Committee meetings ensuring our community can tune in at any time and even re-watch any point of the meeting wherever they have access.

Question 2

Banyule Council recently held its fourth 'Youth Summit', bringing together 100 young people from across its municipality for a day of workshops. Banyule's Youth Summit model has proven to be highly successful in identifying and addressing the needs of local youth.

Will Nillumbik Council investigate its own 'Youth Summit' to bring together young people from across the Shire, to complement the existing work of the Youth Council?

Response 2

Council's youth engagement approach has been co designed by the Youth Council over the past few months with support of Officers and Councillors, particularly Cr Ramcharan. Through this process, the Youth Council have made the decision to develop a survey that will allow the young people of Nillumbik to have their say.

The survey is designed to capture a wide range of views, ideas and perspectives that are valuable to learn more about the needs and wants of local young people. The results will inform Nillumbik's four-year Youth Strategy and Action Plan that will be launched at the end of the year. The survey is open now and closes Sunday 18 July.

Moira Deeming asked the following questions:

Question 1

Under Victorian law, is it legal for Local Government Councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities?

For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)?

Question 2

If not, why not?

Response 1

Public toilets are Class 10a buildings under the National Construction Code (formerly the Building Code of Australia) that is the law that governs their construction and design in Victoria.

These amenities are categorised as unisex, female or male. Any individual self-selects whichever, if any, of these amenities they choose to use.

We have received a number of questions in relation to the Eltham Area Community Hospital. The following questions were read and a single response provided.

Carol Doherty asked the following questions:

Question 1

What form of community consultation will occur to fully inform the community of the decision made by the VHBA on their preferred location of the Eltham area Community Hospital?

Question 2

When will Council inform residents that the amphitheatre, recently rezoned to PPRZ at Civic Drive, Greensborough, is the intended location of the Eltham area community hospital?

Dr Svetlana Ryzhikh - President of Friends of Apollo Parkways asked the following questions:

Question 1

When will Nillumbik Shire Council share the site selection criteria and evaluation methodology from the Victorian Health Building Authority with Nillumbik residents so they can be fully informed on the proposed location of the Eltham Area Community Hospital?

Response to above three questions

Council is currently in discussions with the VHBA about their preferred site for the Eltham Area Community Hospital and they have requested that Council not comment further at this stage. Council understands the community interest in this matter and will provide further information in due course.

Question 2

What is the Nillumbik Shire Council's preferred location for the Eltham Area Community Hospital?

Response 2

Council is yet to adopt a position on the preferred location for the Eltham Area Community Hospital.

11. Reports of Advisory Committees

AC.007/21 Advisory Committee Report - 29 June 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 following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Positive Ageing Advisory Committee Meeting held 7 May 2021;
2. Living and Learning Nillumbik Advisory Committee Meeting held 26 May 2021; and
3. Positive Ageing Advisory Committee Meeting held 4 June 2021.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That the minutes of the Advisory Committee meetings reported be noted (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.081/21 **Mayoral and Councillor Allowances Review**

Distribution: **Public**

Manager: **Vince Lombardi, Chief Financial Officer**

Author: **Melika Sukunda, Finance Manager**

Summary

Under section 74(1) of the Local Government Act 1989 (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.

This report recommends that Council set Mayoral and Councillor Allowances at the existing levels.

Council adopted the proposed level of Mayoral and Councillor allowances at the Council Meeting on 27 April 2021 for the purpose of community consultation. The proposed level of Mayoral and Councillor allowances was exhibited for 32 days with three submissions received.

Council Resolution

MOVED: **Cr Geoff Paine**

SECONDED: **Cr Ben Ramcharan**

That Council:

1. Having reviewed the Mayoral and Councillor allowances, sets the allowances at the existing levels as follows:
 - a) Mayoral allowance \$81,204
 - b) Councillor allowance \$26,245.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.082/21 Amended Road Management Plan

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Joseph Emmanuel, Manager Infrastructure

Summary

The *Road Management Act 2004* (RMA) grants power to a road authority (Council) to make a Road Management Plan (RMP) to establish the management system and standards for the exercise of the authority's road management functions.

In accordance with the RMA Council is required to have prepared and approved a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

Council commenced the RMP review by advertising its intent to review in *The Age* and *Government Gazette* on 28 January 2021.

As part of the notice, Council invited and received 73 submissions and at the 9 March 2021 Future Nillumbik Committee Meeting considered these submissions, as well as 3 submissions relating to the review report.

Having received and considered the submissions, together with the review performed, there is no proposal as part of developing Council's amended RMP to reduce any of the current service levels.

There are however some improvements to service levels and minor updates to the document as a result of the review performed by the project team.

This report recommends that Council endorses the amended Road Management Plan **Attachment 1** following the review process performed in accordance with the *Road Management Act 2004*.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council:

1. Adopts the Road Management Plan 2021 as shown in **Attachment 1**.
2. Advises all submitters of the adopted Road Management Plan 2021.
3. Publishes the adopted Road Management Plan 2021 on the Council website.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.083/21 Revenue and Rating Plan 2021-2025

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

Council adopted the draft Revenue and Rating Plan 2021 - 2025 at the Council Meeting on 27 April 2021 for the purpose of community consultation. The draft Revenue and Rating Plan was exhibited for 32 days with two submissions received. A separate report from the Committee to Council regarding the submissions was included in that agenda.

This report recommends that Council formally adopts the Revenue and Rating Plan 2021 – 2025 (**Attachment 1**).

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Having considered the submissions received, adopts the Revenue and Rating Plan 2021 – 2025 (**Attachment 1**).
2. The Chief Executive Officer be authorised to give public notice of the decision to adopt the Revenue and Rating Plan 2021 – 2025.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.084/21 Financial Hardship Policy

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

Council has a Financial Hardship Policy which has been endorsed by the Audit and Risk Committee in May 2016 and was updated in 2020. In April 2020, Council endorsed the Financial Hardship Policy – COVID-19 Pandemic Event which expired on 31 May 2021.

The Financial Hardship Policy provides guidelines to assist in the assessment of applications received for the deferment of rates and charges due to financial hardship. Through reinstatement of the substantive Financial Hardship Policy, ratepayers who have accessed the temporary provisions would continue with their current arrangements.

This report recommends Council endorse the reinstatement of Council's substantive Financial Hardship Policy.

The temporary policy has remained in place until a decision is made.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Frances Eyre

That Council endorses the Financial Hardship Policy (Attachment 1).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.085/21 Procurement Policy Update

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Lance Clark, Senior Procurement Specialist

Summary

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

Over the past twelve (12) months, a new Procurement Policy under LGA 2020 has been 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.

The Northern Councils Alliance consists of the Cities of Banyule, Darebin, Hume, Moreland and Whittlesea and Mitchell and Nillumbik Shire Councils.

The approach and intent of NCA Region Procurement Policy has been reviewed and endorsed by Local Government Victoria (LGV) and has undergone multiple legal reviews by Maddocks.

The policy and structure has been reviewed and was endorsed by the Council's Audit Committee on the 12 May 2021.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Adopts the Procurement Policy (**Attachment 1**).
2. Makes the Procurement Policy available for public inspection on Council's website.
3. Senior officers across the organisation, undertake development of key sustainability objectives and key performance indicators to support the key principles of economic, social and environmental sustainability in accordance with section 9 of the *Local Government Act 2020*.
4. Officers report to Council within twelve (12) months of the date of this report, with an outline of the key draft sustainability objectives and key performance indicators.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.086/21 Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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

This report introduces a new Council project, namely the Wattle Glen Public Realm Framework (PRF) Project and proposes a first round of public consultation to inform the project.

The project:

- Responds to an action in the current 2017-2021 Council Plan to review the Wattle Glen Township Strategy (2005);
- Will produce concept plans which propose improvements to the public realm (e.g. to footpaths and trails, road reserves and roads, parkland and public signage) in the heart of Wattle Glen;
- Aims to improve the locality's accessibility, sense of place and amenity;
- Will not consider or propose any changes to existing planning policy settings; and
- Will be conducted in close consultation with the local community and other stakeholders, including by three rounds of community consultation.

A first round of community consultation for the project is proposed for four weeks from approximately mid-July into August. The purpose of the consultation is to test and explore issues with the local community relevant to the project. In doing so, the project will build on broader feedback recently obtained by Council's Our People, Our Place, Our Future consultation.

Following the Wattle Glen project's first proposed round of public consultation, the next scheduled milestones for the project are:

- The 12 October 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the first round of public consultation.
- The February 2022 Council Meeting will consider a first draft of the Public Realm Framework and a recommendation that it be endorsed for community consultation.

Recommendation**That Council:**

1. Endorses a first round of public consultation, as outlined in this report, for the Wattle Glen Public Realm Framework Project.
2. Notes that, following the first round of public consultation, the next scheduled milestones for the project are:
 - a) The 12 October 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the first round of public consultation.

12. Officers' reports

CM.086/21 Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation

- b) The February 2022 Council Meeting will consider a first draft of the Public Realm Framework and a recommendation that it be endorsed for community consultation.

Motion

MOVED: Cr Karen Egan
SECONDED: Cr Frances Eyre

That Council

1. Endorses a first round of public consultation, as outlined in this report, for the Wattle Glen Public Realm Framework Project **and notes the provision to provide for a safe-road shared trail connection between the Diamond Creek Trail at Wilson Road and the start of the Green Wedge Trail at Pepper's Paddock, Wattle Glen.**
2. Notes that, following the first round of public consultation, the next scheduled milestones for the project are:
 - a) The 12 October 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the first round of public consultation.
 - b) The February 2022 Council Meeting will consider a first draft of the Public Realm Framework and a recommendation that it be endorsed for community consultation.

Cr Ben Ramcharan proposed to the mover and seconder to amend point 1 to read as follows:

1. Endorses a first round of public consultation, as outlined in this report, for the Wattle Glen Public Realm Framework Project and notes **that Council will consider** the provision to provide for a safe-road shared trail connection between the Diamond Creek Trail at Wilson Road and the start of the Green Wedge Trail at Pepper's Paddock, Wattle Glen.

The mover and seconder accepted the change.

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

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Frances Eyre

That Council

1. Endorses a first round of public consultation, as outlined in this report, for the Wattle Glen Public Realm Framework Project and notes that Council will consider the provision to provide for a safe-road shared trail connection between the Diamond Creek Trail at Wilson Road and the start of the Green Wedge Trail at Pepper's Paddock, Wattle Glen.
2. Notes that, following the first round of public consultation, the next scheduled milestones for the project are:

12. Officers' reports

CM.086/21 Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation

- a) The 12 October 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the first round of public consultation.
- b) The February 2022 Council Meeting will consider a first draft of the Public Realm Framework and a recommendation that it be endorsed for community consultation.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.087/21 Nillumbik Heritage Review

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

The purpose of this report is to present Council with the final draft citations of Stage A of the Nillumbik Heritage Review and the proposed Stage B Priority Lists.

Subject to Councillor feedback at its May briefing, officers have updated the priority lists for Stage B. Feedback included that community centres that are most exposed should be included high on the priority lists.

Subject to allocation of budget in 2021/2022, and subsequent formal tender process to engage a suitably qualified heritage consultant, heritage reviews for properties identified in Priority Lists for Stage B would be prepared in the second half of 2021, being brought to Council in late 2021 for consideration of adoption.

A future amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay (HO) to implement Stage A and Stage B Heritage Reviews would be prepared subject to adoption of Stage B.

Council Resolution

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

1. Adopts the Final Draft Citations (**Attachment 1**) for Stage A of the Nillumbik Heritage Review.
2. Adopts the Priority Lists for Stage B of the Nillumbik Heritage Review (**Attachment 2**).
3. Publishes the Final Draft Citations (**Attachment 1**) for Stage A of the Nillumbik Heritage Review on Council's website.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.088/21 Phasing out single-use plastics

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

Council received a petition at the December 2019 Council meeting requesting that Council pursues a policy to phase out single-use plastics in the Shire by 2021. This report provides background on the issue, including information on international, Australian government and state and territory government initiatives; benchmarking with other councils; an overview of Nillumbik Council action to date and recommendations for further action.

Recommendation

That Council:

1. Supports the Victorian government's ban on certain single use plastic items to be implemented in February 2023.
2. Phases out single-use plastics included in the Victorian Government's ban at Council facilities and events ahead of the implementation of the ban and continues to seek opportunities for other types single use plastics to be phased out.
3. Supports the Nillumbik community to phase out single-use plastics through targeted education programs and promotion of local alternatives
4. Thanks the petitioners and advises them of this resolution.

Motion

MOVED: Cr Frances Eyre

SECONDED: Cr Ben Ramcharan

That Council:

1. Supports the Victorian government's ban on certain single use plastic items to be implemented in February 2023.
2. Phases out single-use plastics included in the Victorian Government's ban at Council facilities and events ahead of the implementation of the ban and continues to seek opportunities for other types **of** single use plastics to be phased out.
3. Supports the Nillumbik community to phase out single-use plastics through targeted education programs and promotion of local alternatives
4. Thanks the petitioners and advises **the petition organiser** of this resolution.

12. Officers' reports

CM.088/21 Phasing out single-use plastics

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. Supports the Victorian government's ban on certain single use plastic items to be implemented in February 2023.
2. Phases out single-use plastics included in the Victorian Government's ban at Council facilities and events ahead of the implementation of the ban and continues to seek opportunities for other types of single use plastics to be phased out.
3. Supports the Nillumbik community to phase out single-use plastics through targeted education programs and promotion of local alternatives
4. Thanks the petitioners and advises the petition organiser of this resolution.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.089/21 Consideration of the Planning Panel Report for Nillumbik Amendment C129 (Removal of the EAO from various parcels in Plenty)

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

Amendment C129 to the Nillumbik Planning Scheme (the Amendment) proposes to remove the Environmental Audit Overlay (EAO) from land that was formerly known as 323-325 Yan Yean Road, Plenty.

Application of the EAO was applied in 2000 for the purpose of requiring an audit to investigate potential contamination of the site and to assess the suitability of the land for residential uses, potentially subject to conditions. The EAO is now redundant noting:

- An audit has been completed which finds that, although one small part of the land is contaminated, the land is suitable for low-density residential use, subject to conditions.
- The conditions of the audit are applied in a legally binding and transparent matter by a Section 173 Agreement to the Planning and Environment Act 1987.

Further, continued application of the EAO is an unfair imposition on the landowners as it wrongly applies the extent of contamination is not known, that the whole site may be contaminated and that the suitability of the site for residential use is not known.

The Council Meeting of July 2020 resolved to commence the Amendment to remove the EAO. In November 2020, Council received only one submission in response to exhibition of the Amendment. The submission was from the Environment Protection Authority (EPA) and it raises issue with the proposed removal of the EAO. In response, in February 2021, Council requested the Minister for Planning appoint a Planning Panel to consider the submission.

Council has now received the Panel's report. In its report, the Panel clearly supports the Amendment and recommends it be adopted as exhibited. Consequently, the officer recommendation is that Council take the next steps to progress the Amendment to completion, which is to adopt the Amendment and to request the Minister approve and gazette the adopted Amendment.

In addition, it is recommended that Council write to the owners of the land subject to the Amendment to advise of Council's decision and further, to clarify that, if the EAO is removed, conditions pertaining to contamination will continue to be applied through the Section 173 Agreement.

12. Officers' reports

CM.089/21 Consideration of the Planning Panel Report for Nillumbik Amendment C129 (Removal of the EAO from various parcels in Plenty)

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Ben Ramcharan

That Council:

1. Notes the recommendation of the Planning Panel that Amendment C129 to the Nillumbik Planning Scheme be adopted as exhibited.
2. Adopts Amendment C129 to the Nillumbik Planning Scheme as exhibited and then submits it to the Minister for Planning for approval and gazettal.
3. Writes to the owners of land affected by the Amendment and advise them:
 - a) of Council's resolution on 29 June 2021 regarding Amendment C129
 - b) that the conditions of the Statement of Environmental Audit will continue to be applied by the Section 173 Agreement to the *Planning and Environment Act* 1987 which is applied to the land.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.090/21 Domestic Wastewater Management Plan and Sewer Reprioritisation

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Jonathan McNally, Manager Community Safety and Amenity
Leah Farrell, Coordinator Environmental Health****Summary**

Under State Environment Protection Policy (SEPP) Waters, Council is required to develop and regularly review a Domestic Wastewater Management Plan (DWMP). The DWMP outlines Council's program for managing Onsite Wastewater Management Systems (OWMS) (septic tank systems) across the Shire. The DWMP was developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

Adopted in June 2019, Council's DWMP is fully operational, and forms an integral part of the daily activities of Council's Environmental Health Services, in the management and delivery of related public health programs.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Karen Egan**

That Council notes this report detailing performance against the year 2 Domestic Wastewater Management Plan actions (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.091/21 Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

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

Summary

The Country Fire Authority (CFA) currently lease part of the Council premises located at 35 Kangaroo Ground – St Andrews Road, Kangaroo Ground, as depicted in **Attachment 1**.

The premises include a multi-purpose hall; two vehicle garage; public meeting room; offices; kitchen; storeroom and toilets – as depicted in **Attachment 2**.

The CFA has a current lease (exclusive use) which essentially covers the offices, the front public meeting room and the two car garage. The remaining areas are shared, with Council hiring the multi-purpose hall and kitchen for community purposes during cooler months of the year.

The building is known as the Kangaroo Ground Emergency Operations Centre, with the primary function being the accommodation of the Incident Control Centre (ICC). It is one of a number of ICC's in a state wide network that has the State Control Centre as its hub, the purpose being to act as control centres for emergencies.

Following an internal drainage issue in January 2020 which necessitated a temporary need for the ICC to relocate to a facility in Craigieburn, the CFA initiated discussions with Property staff in relation to the suitability of the facility to accommodate the ICC.

In December 2020, the CFA advised Council that after a review, the ICC would be permanently accommodated at the larger and more functional Craigieburn facility. They also requested a rental review which included a reduced leased area, and consideration (rental fee) to be reduced from the current \$30k/pa to a "peppercorn" rate.

The CFA intends to use the reduced area as the Nillumbik Group Headquarters.

Whilst there is a current lease in place between Council and the CFA, Council can support the Nillumbik Brigades and consider the CFA's request.

This report recommends that Council complete a Variation of Lease for the CFA at 35 Kangaroo Ground-St Andrews Road, Kangaroo Ground to amend the current leased area and reduce the rental fee to a peppercorn rate of \$1.00 p.a.

12. Officers' reports

CM.091/21 Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground**Recommendation**

That Council:

1. Complete a Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground- St Andrews Road, Kangaroo Ground to amend the:
 - a) Rental amount from \$30,000 per annum to \$1.00 per annum peppercorn fee;
 - b) Leased Area to only include the motor bays/garage and front conference (office) room (exclusive use by the CFA);
 - c) Shared Use continues of the kitchen and toilet facilities within the premises; and
 - d) Use of the Hall is no longer included under the Leased Agreement as a Shared Use area. Council is able to manage and hire the Hall at any time of the year.
2. Authorises Council's delegated officer to execute the Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground, once signed by the CFA.

Motion

MOVED: Cr Ben Ramcharan
SECONDED: Cr Karen Egan

That Council:

1. Complete a Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground- St Andrews Road, Kangaroo Ground to amend the:
 - a) Rental amount from \$30,000 per annum to \$1.00 per annum peppercorn fee;
 - b) Leased Area to only include the motor bays/garage and front conference (office) room (exclusive use by the CFA);
 - c) Shared Use continues of the kitchen and toilet facilities within the premises; and
 - d) Use of the Hall is no longer included under the Leased Agreement as a Shared Use area. Council is able to manage and hire the Hall at any time of the year.
2. Authorises Council's delegated officer to execute the Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground, once signed by the CFA.
3. **Notes March 2021 history of the Nillumbik Group of Fire Brigades – Emergency Operations Centre and upload to Council's website under the Minutes and Agenda's page.**

12. Officers' reports

CM.091/21 Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground

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

THAT Council:

1. Complete a Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground- St Andrews Road, Kangaroo Ground to amend the:
 - a) Rental amount from \$30,000 per annum to \$1.00 per annum peppercorn fee;
 - b) Leased Area to only include the motor bays/garage and front conference (office) room (exclusive use by the CFA);
 - c) Shared Use continues of the kitchen and toilet facilities within the premises; and
 - d) Use of the Hall is no longer included under the Leased Agreement as a Shared Use area. Council is able to manage and hire the Hall at any time of the year.
2. Authorises Council's delegated officer to execute the Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground, once signed by the CFA.
3. Notes March 2021 history of the Nillumbik Group of Fire Brigades – Emergency Operations Centre and upload to Council's website under the Minutes and Agenda's page.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.092/21 Recreation Trails Advisory Committee Term Extension

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Tara Jolfaei, Recreation and Open Space Planner
Heath Gillett, Manager Recreation and Leisure

Summary

The Recreation Trails Advisory Committee provides advice to Council on the planning, development and use of trails across the Shire. The Committee consists of Councillors and 11 community representatives. The current Committee term is due to end July 2021. As a result of not meeting throughout 2020 due to COVID, the important audit project current being undertaken, this report proposes extending the term of the existing Committee members until 30 July 2023.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Richard Stockman

That Council extends the current Recreation Trails Advisory Committee term until 30 July 2023.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.093/21 Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator

Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2021-035 for Provision of Annual Supply for Fencing Services. The tender was issued to identify and appoint a panel of up to a maximum of 4 suitably qualified fencing contractor companies to assist Council in delivery of reactive fencing repair requirements and for proactive planned fencing requirements.

There are 5 categories of fencing services being sought via the tender process.

- Safety Fencing
- Residential Boundary Fencing
- Sportsfield Fencing
- Rural / Farm Style Fencing
- Bollards / Bollards with Rails.

Reactive fencing repairs will be undertaken based on awarded tendered rates.

Proactive planned fencing projects will require a competitive RFQ process to be undertaken with the appointed contractors.

This report recommends the appointment of three contractors to deliver the fencing services.

This panel contract is for standard service delivery requirements and replaces a previous contract for fencing services.

The contract term is for an initial period of three years, with two x one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five years.

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 2021-035 for Provision of Annual Supply for Fencing Services.

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. Accept the tendered schedule of rates disclosed in (**Attachment 1**) as submitted by the **three preferred tenderers** and enter into the following panel contract:

Number: 2021-035

Title: Provision of Annual Supply for Fencing Services

12. Officers' reports

CM.093/21 Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services

Term: 1 June 2021 to 31 May 2024

Options: Term extensions up to 31 May 2026

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to appoint another contractor or contractors to the existing contract arrangement, should an appointed contractor fail to deliver against their contracted requirements.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but 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*.
7. Names the preferred tenderers.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Richard Stockman

That Council:

1. Accept the tendered schedule of rates disclosed in (**Attachment 1**) as submitted by the three preferred tenderers **Webster Contracting Pty Ltd, KA Fencing Pty Ltd and Melbourne Chain Wire Fencing** and enter into the following panel contract:

Number: 2021-035
Title: Provision of Annual Supply for Fencing Services
Term: 1 June 2021 to 31 May 2024
Options: Term extensions up to 31 May 2026
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to appoint another contractor or contractors to the existing contract arrangement, should an appointed contractor fail to deliver against their contracted requirements.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but 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*.
7. Names the preferred tenderers.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.094/21 Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Renae Ahern, Manager Planning Services

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2021-076 for Arboricultural Consulting Service – Planning.

The contract term is for an initial period of three years, with two x one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five years.

This contracted service is a core business requirement and assists Council in meeting Council's statutory obligations under the *Planning and Environment Act 1987*.

The primary purpose of this contracted service is to provide expert arboricultural advice and support to Council in order for it to effectively administer and enforce the Nillumbik Planning Scheme.

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 2021-076 for Arboricultural Consulting Service - Planning.

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. Accept the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:
Number: 2021-076
Title: Arboricultural Consulting Service - Planning
Term: 1 July 2021 to 30 June 2024
Options: Term extensions up to 30 June 2026
2. Authorises the Executive Manager Planning & Community Safety to finalise and execute the contract documentation.
3. Authorises the Executive Manager Planning & Community Safety to approve contract term extensions.
4. Advises all tenderers accordingly.

12. Officers' reports

CM.094/21 Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning

5. Makes public the decision regarding this contract but 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*.
6. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Accept the tender submitted by the **preferred tenderer Homewood Consulting Pty Ltd** for the schedule of rates disclosed in (**Attachment 1**) for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:
Number: 2021-076
Title: Arboricultural Consulting Service - Planning
Term: 1 July 2021 to 30 June 2024
Options: Term extensions up to 30 June 2026
2. Authorises the Executive Manager Planning & Community Safety to finalise and execute the contract documentation.
3. Authorises the Executive Manager Planning & Community Safety to approve contract term extensions.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but 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*.
6. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Joseph Emmanuel, Manager Infrastructure

Blake Hunton, Parks and Open Space Coordinator

Jeff Saker, Roads and Drains Maintenance Coordinator

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2021-057 for Sportsground Maintenance Services.

The contract term is for an initial period of five (5) years, with two (2) x one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven (7) years.

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 2021-057 for Sportsground Maintenance Services.

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. Accept the tender submitted by the preferred tenderer for the schedule of rates disclosed in (Attachment 1) for the initial first year of contract, plus annual CPI for All Groups Melbourne increases applied for the remaining years of the contracted period and enter into the following contract:

Number: 2021-057

Title: Sportsground Maintenance Services

Term: 1 September 2021 to 31 August 2026

Options: Term extensions up to two (2) years in total

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional service variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.

12. Officers' reports

CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services

6. Makes public the decision regarding this contract but 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*.
7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Frances Eyre
SECONDED: Cr Richard Stockman

That Council:

1. Accept the tender submitted by the preferred tenderer **Elite Turf Service** for the schedule of rates disclosed in (Attachment 1) for the initial first year of contract, plus annual CPI for All Groups Melbourne increases applied for the remaining years of the contracted period and enter into the following contract:
Number: 2021-057
Title: Sportsground Maintenance Services
Term: 1 September 2021 to 31 August 2026
Options: Term extensions up to two (2) years in total
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional service variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but 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*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Joseph Emmanuel, Manager Infrastructure
Jeff Saker, Roads and Drains Maintenance Coordinator
Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2021-056 for Roadside Verge Mowing Services.

The contract term is for an initial period of five (5) years, with two (2) x one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven (7) years.

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 2021-56 for Roadside Verge Mowing Services.

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. Accept the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:
Number: 2021-056
Title: Roadside Verge Mowing Services
Term: 1 September 2021 to 31 August 2026
Options: Term extensions up to two (2) years in total
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional service variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but 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*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council:

1. Accept the tender submitted by the **preferred tenderer Webster Contracting Pty Ltd** for the schedule of rates disclosed in (**Attachment 1**) for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:
Number: 2021-056
Title: Roadside Verge Mowing Services
Term: 1 September 2021 to 31 August 2026
Options: Term extensions up to two (2) years in total
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional service variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but 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*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.097/21 Informal Meetings of Councillors Records - 25 May 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 25 May 2021.

An Informal Meetings of Councillors Record was kept for the following meetings (**Attachment 1**):

1. Pre-meeting to Planning and Consultation Committee Meeting held 11 May 2021.
2. Arts and Cultural Advisory Committee Meeting held 17 May 2021.
3. Climate Action Plan Development Meeting held 18 May 2021.
4. Councillor Briefing held 18 May 2021.
5. Nillumbik Community Emergency Action Team Meeting held 24 May 2021.
6. Pre-Meeting to Council Meeting held 25 May 2021.
7. Living Learning Nillumbik Advisory Committee Meeting held 26 May 2021.
8. Councillor Briefing held 1 June 2021.
9. Positive Ageing Advisory Committee Meeting held 4 June 2021.
10. Youth Council Advisory Committee Meeting held 7 June 2021.
11. Pre-meeting to Planning and Consultation Committee Meeting held 8 June 2021.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Karen Egan

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

13. Notices of Motion

NOM.003/21 Request to apply Heritage Overlay to 14 Browns Lane Plenty

Cr Richard Stockman advised of his intention to move the following:

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Frances Eyre

That Council:

1. Notes that Officers under delegation have requested the Minister for Planning, to exercise the power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on an interim basis;
2. Requests the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation of an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on a permanent basis; and
3. In relation to point 2 above, undertake public exhibition of the proposed planning scheme amendment should authorisation to apply the permanent control be granted.

CARRIED UNANIMOUSLY

14. Delegates' Reports

Mayor Cr Peter Perkins reported that he and Cr Richard Stockman attended the Australian Local Government Australia General Assembly in Canberra last week. He conveyed that it was a very beneficial conference and Assembly with lots of motions submitted by various Councils being unanimously supported.. A few contentious items, one was the motion of having the same COVID lockdown provisions across the country and removal of the border type restrictions. Majority of Councils supported the motion, however it was not supported by Western Australia. Overall a great conference with really good speakers and worthwhile Councillors considering attending the next conference.

15. Supplementary and urgent business

Nil

16. 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.098/21 Montsalvat Agreement 2021 - 2024 - Confidential

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 Geoff Paine
SECONDED: Cr Karen Egan

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 was closed to the public at 8:18pm.

The meeting was re-opened at 8:19pm.

17. Close of Meeting

The meeting closed at 8:20pm.

Confirmed: _____
Cr Peter Perkins, Mayor