

Minutes

**Council Meeting
Wednesday 14 December 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**



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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting was recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings Policy, which can be viewed on Council's website.

3 PRESENT

Cr Annette Death (Mayor), Cr Jennifer Anderson (Deputy Mayor), Cr Dominic Bonanno, Cr Rob Guthrie, Cr Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway, Cr Bill West

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Adele Drago-Stevens (Director Corporate), Rebecca Stockfeld (Director Planning and Environment), Shane Walden (Director Assets and Operations), Maria Weiss (Director Community), Evert Grobbelaar (Manager Statutory Planning), Patricia Clive (Coordinator Governance), Lucy Webb-Wilson (Senior Governance Officer – Council Business), Mwai Mashunga (Service Desk Officer)

4 APOLOGIES

NIL

5 CONFLICTS OF INTEREST

Cr Geoff Neil declared a general conflict of interest in relation to item 18.2 on the agenda.

6 PETITIONS

NIL

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**Resolution 2022/87**

Moved: Cr Rob Guthrie
Seconded: Cr Jennifer Anderson

That Council suspends standing orders in order to hear from the Chairperson of the Audit and Risk Committee, Mr Peter Mathews.

CARRIED

Council received a verbal presentation from Mr Peter Mathews the Chairperson of the Audit and Risk Committee wherein he presented the Biannual Report December 2022 of the Audit and Risk Committee.

Resolution 2022/88

Moved: Cr Rob Guthrie
Seconded: Cr Anne Moore

That Council resumes standing orders to consider the remaining items on the agenda this evening.

CARRIED

8 ADOPTION OF MINUTES**Resolution 2022/89**

Moved: Cr Mark Ridgeway
Seconded: Cr Bill West

That the minutes of the Scheduled Council Meetings of Macedon Ranges Shire Council held on 22 November 2022 and 23 November 2022, as circulated.

CARRIED

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - NOVEMBER TO DECEMBER 2022****Resolution 2022/90**

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That Council receives and notes the Mayor's report.

CARRIED

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - NOVEMBER TO DECEMBER 2022****Summary**

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councilors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Resolution 2022/91

Moved: Cr Mark Ridgeway
Seconded: Cr Jennifer Anderson

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report.

CARRIED

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS**PE.1 PLN/2022/216 - 64 MOFFATS LANE ROMSEY - RESUBDIVISION OF TWO (2) LOTS INTO TWO (2) LOTS****Summary**

The proposal is for the re-subdivision of two lots into two lots.

The application was advertised. No objections have been received to date.

Key issues to be considered relate to the impact of the proposal on the agricultural land and the genuine need for the proposed subdivision to facilitate or enhance the existing agricultural operation.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered not appropriate. It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

Recommendation

That Council issues a Notice of Decision to Refuse to Grant a Permit for the resubdivision of two (2) lots into two (2) lots for the land at 64 Moffats Lane, Romsey LOT 1 and LOT 2 TP 248701W P/Monegetta, on the following grounds:

- 1. The proposal is contrary to Clause 14.01 of the Planning Policy Framework, as it will result in inappropriate fragmentation of rural land and fails to consolidate lots in rural zones.**
- 2. The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it will not result in the facilitation or enhancement of the ongoing**

primary use of the land for productive agriculture and will result in a dwelling excision outcome which policy discourages.

3. The proposal is contrary to the purpose and decision guidelines of the Farming Zone in relation to the protection and retention of productive agricultural land.

Procedural note: Cr Neil moved an alternative motion.

Resolution 2022/92

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council resolve to issue a Permit PLN/2022/216 for the resubdivision of two (2) lots into two (2) lots for the land at 64 Moffats Lane, Romsey LOT 1 and LOT 2 TP 248701W P/Monegetta subject to the conditions below:

1. Before the certification of the Plan of Subdivision, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must show:
 - (a) Fully surveyed plan of subdivision without any features;
 - (b) Building Envelope for Lot 1 to show the domestic zone.
2. The subdivision allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Before the certification of the Plan of Subdivision, the owner/s of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
 - (a) The owner/s of the land must implement all the recommendations and requirements of the Farm Management Plan endorsed under Planning Permit PLN/2022/216 on an ongoing basis to the satisfaction of the Responsible Authority.
 - (b) No buildings and works ancillary to the existing dwelling on Lot 1 must be constructed outside the building envelope as shown on the endorsed plans under Planning Permit PLN/2022/216.
 - (c) No further dwelling/s on Lot 1 and Lot 2.
 - (d) Lot 1 and Lot 2 must not be further subdivided.
 - (e) That the owner/s acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

Prior to a Statement of Compliance being issued:

- (a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title of all the lots under Section 181 of the same Act.

- (b) The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
- 4. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.
- 5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

MRSC Engineering Conditions

- 8. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
- 9. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
- 10. Prior to the certification of plan of subdivision, Engineering Plans must be submitted to and approved by Responsible Authority including plan checking and supervision fees. The plans must include:
 - (a) A New crossover for lot 2
- 11. Prior to issue of a Statement of Compliance of the subdivision, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
- 12. Prior to the issue of a Statement of Compliance, the following works must be constructed or carried out to the satisfaction of the Responsible Authority:
 - (a) A new crossover onto Moffats Lane for lot 2
- 13. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
 - (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - (b) Occupying a road for works.
 - (c) Connecting any Council land to a stormwater drain.
 - (d) Opening, altering or repairing a Council road.

- (e) Opening, altering or repairing a Council drain.
- (f) Accessing a building site from a point other than a crossover.
- (g) Construct/repair/widen/remove any crossover

Permit Expiry

14. This permit will expire if one of the following circumstances applies:

- (a) The Plan of Subdivision is not certified within two (2) years of the date of this permit.
- (b) The Plan of Subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Permit Notes:

- Future owners of the land must be made aware of the existence of this permit.

In Favour: Crs Dominic Bonanno, Geoff Neil, Janet Pearce, Mark Ridgeway and Bill West

Against: Crs Jennifer Anderson, Rob Guthrie, Annette Death and Anne Moore

CARRIED 5/4

PE.2 ZERO NET EMISSIONS PLAN FOR COUNCIL OPERATIONS

Summary

Counting Down to Zero provides a guide for Council to work towards its target for a Zero Net Emissions status for its operations by 2030. Its completion is a commitment in the 2022-23 Council Plan. The plan is focussed on accounting for all greenhouse gas emissions associated with Council's operations, and working to minimise those emissions as much as possible, before using offsets to meet the target.

The plan sets the following target to achieve:

Zero Net Emissions for Council operations by 30 June 2030, from the baseline of 3,260.6* tonnes CO₂-^e at 30 June 2022.

****OR as retrospectively amended to account for additional indirect sources of greenhouse gas emissions***

In adopting this plan, Council commits to 33 actions to be undertaken over the next seven years, noting that actions may be refined over time in response to rapid changes in external factors influencing the management of emissions.

Resolution 2022/93

Moved: Cr Jennifer Anderson

Seconded: Cr Mark Ridgeway

That Council:

1. Notes the framing of its new emission reduction target:

Zero Net Emissions for Council operations by 30 June 2030, from the baseline of 3,260.6 tonnes CO₂-e at 30 June 2022.*

**OR as retrospectively amended to account for additional indirect sources of greenhouse gas emissions;*

2. **Adopts the attached plan *Counting Down to Zero: Our plan to reach Zero Net Emissions for Council operations by 2030 (Stage 1)* as a guide for working towards the emission reduction target;**
3. **Notes that the plan will be reviewed every two years to account for the rapid changes in external factors that influence climate action; and**
4. **Notes that progress on implementation of the plan and towards the target for Zero Net Emissions will be reported on annually.**

CARRIED

PE.3 RURAL LAND USE STRATEGY

Summary

The draft Rural Land Use Strategy (RLUS) was released for community consultation on 19 July 2021 for a period of two months. In response to the 4400 postcards sent to landowners, various media releases, newspaper notices and social media promotions of the draft RLUS, Council received a total of 177 written submissions outlining feedback on the draft RLUS. The key themes raised in response to the community consultation process are summarised in the table at **Attachment 1** to this report.

This report outlines the key issues raised in feedback received from the community and makes a number of recommendations on the future of the RLUS project. Specifically the report recommends that due to feedback from the community and landowners, the current unresolved status of the State Government's Planning for Melbourne's Green Wedge and Strategic Agricultural Land project and a number of potential risks to successfully progressing some components of the draft RLUS, that Council resolves to not progress the current RLUS project.

Resolution 2022/94

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

That Council:

1. **Resolves to not progress the current Rural Land Use Strategy project.**
2. **Notes the feedback received from the community on the draft Rural Land Use Strategy.**
3. **Notes the significant amount of background work, research and community feedback that has been developed and captured as part of the Rural Land Use Strategy project.**
4. **Notes the unresolved status of both the State Government's Planning for Melbourne's Green Wedge and Strategic Agricultural Land project, and bushfire considerations as a result of protecting and enhancing vegetation.**

5. Notes that any future related work would be progressed as a new project and subject to Council approval as part of any future Council Plan and/or budget process.
6. Notifies all submitters and subscribers to the Rural Land Use Strategy project of Council's decision.

CARRIED

PE.4 ROADSIDE AND FOOTPATH TRADING POLICY

Summary

The Roadside and Footpath Trading Policy will provide guidance about the placement of temporary items on Council owned and managed land and roads (including footpaths) and sets out guidelines for the operation of mobile trading facilities.

Revisions have been made to the current Roadside and Footpath Trading Policy to update the policy and incorporate policy for mobile trading facilities. The draft policy was open for community consultation in September 2022 and the feedback provided during this period has informed the final policy.

Resolution 2022/95

Moved: Cr Janet Pearce

Seconded: Cr Anne Moore

That Council adopts the Roadside and Footpath Trading Policy 2022 effective from 15 December 2022 which supersedes the Roadside and Footpath Trading Policy 2019.

CARRIED

12 CHIEF EXECUTIVE OFFICER REPORTS

Nil

13 DIRECTOR CORPORATE REPORTS

COR.1 GOVERNANCE RULES

Summary

This report is seeking Council approval of the proposed draft Governance Rules in **Attachment 1**.

Recommendation

That Council adopts the proposed draft Governance Rules in Attachment 1.

Procedural note: Cr Ridgeway moved an amended officer recommendation.

Resolution 2022/96

Moved: Cr Mark Ridgeway
Seconded: Cr Jennifer Anderson

That Council adopts the Governance Rules in Attachment 1 and revokes any previous versions of the Governance Rules, effective 15 December 2022.

In Favour: Crs Jennifer Anderson, Rob Guthrie, Dominic Bonanno, Annette Death, Anne Moore, Janet Pearce, Mark Ridgeway and Bill West

Against: Cr Geoff Neil

CARRIED 8/1

COR.2 AUDIT AND RISK COMMITTEE BIENNIAL REPORT - DECEMBER 2022**Summary**

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee (the Committee) meetings for the second half of 2022.

The report also ensures the requirements of the Committee's Charter are met, by providing a biennial report to Council that summarises the work of the Committee performed, to fully discharge its responsibilities.

The Audit and Risk Committee Biennial Report - December 2022 is attached and the Committee's Chairperson, Mr Peter Matthews, will attend the Council Meeting to present Council on the report.

Recommendation

That Council notes the Audit and Risk Committee Biennial Report - December 2022 and thanks the Committee for the report.

Procedural note: Cr Neil moved an amended officer recommendation.

Resolution 2022/97

Moved: Cr Geoff Neil
Seconded: Cr Jennifer Anderson

That Council:

- 1. Notes the Audit and Risk Committee Biennial Report - December 2022 and thanks the Committee for the report; and**
- 2. Notes the copy of the Annual Self-Assessment Survey of the Audit and Risk Committee.**

CARRIED

COR.3 AUDIT AND RISK COMMITTEE - APPOINTMENT OF CHAIR FOR 2023, EXTENSION OF INDEPENDENT MEMBER AND ADOPTION OF AUDIT AND RISK COMMITTEE CHARTER**Summary**

The Audit and Risk Committee comprises two Councillors and four independent members from the Macedon Ranges Shire community. This report seeks for Council to consider an extension of an existing independent member and the appointment of Chairperson for 2023.

Also included as part of this report is an amendment to the Audit and Risk Committee Charter to include minor changes at the recommendation of the Committee and Officers.

Recommendation**That Council:**

- 1. Offers an extension to the appointment of independent member Vinitha Pinto for the period 1 January 2023 to 31 December 2025;**
- 2. Endorses the appointment of independent member, Professor Peter Matthews as Audit and Risk Committee Chairperson from 1 January 2023 to 31 December 2023; and**
- 3. Approves the attached updated Audit and Risk Committee Charter, to be effective from 15 December 2022, replacing the previous Charter.**

Procedural note: Cr Ridgeway moved an amended officer recommendation.

Resolution 2022/98

Moved: Cr Mark Ridgeway

Seconded: Cr Geoff Neil

That Council:

- 1. Offers an extension to the appointment of independent member Vinitha Pinto for the period 1 January 2023 to 31 December 2025;**
- 2. Endorses the appointment of independent member, Professor Peter Matthews as Audit and Risk Committee Chairperson from 1 January 2023 to 31 December 2023; and**
- 3. Approves the Audit and Risk Committee Charter in Attachment 1, to be effective from 15 December 2022, replacing the previous Charter, with the following amendment to the second dot point on page 5 of the Charter under 'Internal Audit'; amend 'Review the annual audit plan (or changes to the plan) and recommend to Council for approval' to read 'Review the annual audit plan (or changes to the plan).'**

CARRIED

COR.4 CONTRACTS TO BE AWARDED AS AT DECEMBER 2022**Summary**

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

- a) direct that the Chief Executive Officer (CEO) award the contract under the direct delegation from Council; or
- b) specifically delegate the power to the CEO.

Recommendation**That Council:**

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2023-22 Supply Panel Signage – Design, Manufacture and Installation; and**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2023-27 Road Reconstruction and Footpath Construction Gisborne**

Procedural note: Cr Anderson moved an amended officer recommendation.

Resolution 2022/99

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2023-22 Supply Panel Signage – Design, Manufacture and Installation; and**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2023-27 Road Reconstruction and Footpath Construction Gisborne, Section A and C; noting Section B as an optional component that requires further Council consideration in the New Year.**

CARRIED

14 DIRECTOR COMMUNITY REPORTS**COM.1 CUSTOMER SERVICE CHARTER REVIEW****Summary**

The Customer Service Charter (the Charter) was last reviewed and adopted by Council in 2019, and was due for review in November 2022. The Charter guides Council officer's interaction with the community, and is an expression of Council's commitment to providing a high standard of service and ensuring consistency and sustainability in service delivery.

Resolution 2022/100

Moved: Cr Janet Pearce

Seconded: Cr Anne Moore

That Council:

1. **Endorses the draft Customer Service Charter to be released for community consultation; and**
2. **Notes that a final Customer Service Charter will be presented to Council for consideration at a scheduled meeting in April 2023.**

CARRIED**COM.2 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2021-2025 AND DISABILITY ACTION PLAN- 2021-2025 - YEAR ONE REPORTS 2021-22****Summary**

To provide Council with an update on actions undertaken within the first year of the *Municipal Public Health and Wellbeing Plan 2021-2025* and the *Disability Action Plan 2021-2025*.

Resolution 2022/101

Moved: Cr Anne Moore

Seconded: Cr Janet Pearce

That Council:

1. **Receives and notes the Disability Action Plan 2021-2025 - year one report (easy English);**
2. **Receives and notes the Municipal Public Health and Wellbeing Plan 2021-2025 - year one report; and**
3. **Confirms that, following the annual review of the Municipal Public Health and Wellbeing Plan 2021-2025, no amendments to the original adopted plan are required.**

CARRIED

15 DIRECTOR ASSETS AND OPERATIONS REPORTS**AO.1 CAPITAL WORKS MONITORING****Summary**

This report provides transparency on cost escalations and adjustments on infrastructure projects and seeks further funding for the project with shortfall on budget.

Resolution 2022/102

Moved: Cr Rob Guthrie
Seconded: Cr Dominic Bonanno

That Council

1. **Adopts the following changes to the FY22/23 budget relating to the following infrastructure projects:**
 - (a) **Mt Gisborne Road Reconstruction – increase the budget for this project by \$120,109 from \$497,610 to \$617,719.**
2. **Notes that recommendation 1 (above) currently provides a capital works surplus of \$52,150.98 to the financial year 2022-2023 budget. Officers will continue to manage the overall infrastructure project program within the initial overall infrastructure project program 2022-2023 budget.**

CARRIED**16 NOTICES OF MOTION AND RESCISSION**

Nil

17 URGENT BUSINESS**MOTION - MATTER FOR ADMISSION TO URGENT BUSINESS****Resolution 2022/103**

Moved: Cr Bill West
Seconded: Cr Mark Ridgeway

I seek leave that Council agrees to admit a matter as item 17.1 – Australia Day Awards on the agenda. This is due to a need update the resolution of the Council at the 28 September 2022 Council Meeting to manage conflicts of interest that have arisen in the process.

CARRIED

17.1 AUSTRALIA DAY AWARDS**Resolution 2022/104**

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That Council delegates the determination of the Australia Day Grants to the Director Corporate in cases where the Chief Executive Officer has a conflict of interest preventing their making the determination.

CARRIED

18 CONFIDENTIAL REPORTS**Resolution 2022/105**

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

18.1 Council's Social and Affordable Housing: Update and Leasing

18.2 2023 Australia Day awards

CARRIED

Confidential reasons**18.1 Council's Social and Affordable Housing: Update and Leasing**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This report contains personal information.

18.2 2023 Australia Day awards

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Council did not move out of Closed Council into Open Council again.

The meeting closed at 8:29pm.

The minutes of this meeting will be confirmed at the Council Meeting held on 22 February 2023.
