



Council Meeting

Minutes

Tuesday, 28 March 2023
Council Chamber - Civic Centre

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.



COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Andrew Fullagar
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure,
Hjalmar Philipp
Director Communities, Jane Price

Director Corporate Services, Andrew Hilson
Director Planning and Sustainable Futures,
Kath McClusky

GOVERNANCE RULES

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PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 577TH COUNCIL MEETING HELD ON TUESDAY, 28 MARCH 2023
COMMENCING AT 7.03 PM COUNCIL CHAMBER - CIVIC CENTRE

1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then read the Acknowledgement of Country, and welcomed all present.

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Jim Child (Mayor)

Councillor Andrew Fullagar
Councillor Fiona McAllister
Councillor David Eastham
Councillor Tim Heenan
Councillor Richard Higgins
Councillor Johanna Skelton
Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer
Andrew Hilson, Director Corporate Services
Hjalmar Philipp, Director Built Environment & Infrastructure
Kath McClusky, Director Planning & Sustainable Futures
Jane Price, Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Sophie Todorov.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

Moved: Cr Heenan
Seconded: Cr Skelton

That the Minutes of the Council Meeting held Tuesday 14 March 2023 as circulated, be confirmed.

The motion was Carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

Cr Cox declared a material conflict of interest in Item 10.2, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cox, as the item refers to reimbursement of out-of-pocket expenses.

QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

QUESTION 1

Tina Dalen, a resident of Lilydale, asked:

*According to the YR Health and Wellbeing Plan 2021-2025, social connection is one of the key determinants of mental well-being. Among other things, this Plan was designed to promote a *sense of belonging and *acceptance of diversity.*

However, actions were contrary to the plan, causing isolation and discrimination.

Page 106 of this Plan, is predicting future lockdowns:

How does the council plan to handle such lockdowns?

How will the strategy differ from the historical contradiction of the plan?

Jane Price, Director Communities:

Thank you for your question, Tina,

The determination of any future lockdowns is outside the discretion of local government and as such Council would rely upon the direction of the state government in managing any such situation.

Council is unable to answer the second question as it assumes awareness or knowledge of something that is unknown.

QUESTION 2

Suzanne Siciliano, a resident of Healesville, asked:

Section 4b Local Government Act 2020 states you're a representative body & accountable, to whom are you accountable?

You must be transparent, collaborative, efficient & engaged with your community. Do you believe you're demonstrating this?

Andrew Hilson, Director Corporate Services

Thank you for your question, Suzanne,

Ultimately Local Governments exists to serve and support all people in their local communities. Councillors are democratically elected representatives who have been chosen by their Ward constituents to represent them.

We believe we are transparent, accountable and communicate clearly and honestly.

You have also asked a question regarding similarities between the 20-minute cities model and the United Nations – this question was answered at the 28 February 2023 Council Meeting, the minutes of which are available via Council's website.

QUESTION 3

Anita Prowse, a resident of Woori Yallock, asked:

Why does the Shire continue to blatantly lie about the equestrian clubs at Wesburn Park being in agreeance with the decisions on the Shire's proposals for the Park? I am one of the Clubs and have been VERY vocal about my extreme disagreeance at every possible moment. Yarra Ranges Planning Scheme (open land) land use compatibility says "accommodate community sports facilities in a way that is NOT DETREMENTAL TO OTHER PARK ACTIVITIES" when will you stop speaking untruths about club views?

Hjalmar Philipp, Director Build Environment & Infrastructure

Thank you for your question, Anita,

We do not agree that we have misrepresented the clubs' view.

During the development of the Wesburn Park Master Plan, consultation occurred with all Wesburn Park user groups, with a variety of views captured. On balance, the plan that was adopted by Council with the proposed additions, encouraged greater community use of this important park acknowledging competing demands for this open space. Importantly, any project that arises as a result of the Master Plan will have its own detailed planning and consultation process, where any specific issues can be considered.

I invite you to reach out to me if you wish to discuss further.

QUESTION 4

Neil Doyle, a resident of Lilydale, asked:

In relation to 10.3 of this weeks Agenda. It appears council is targeting partnership of other groups in the community to align with councils sustainability objectives and health and wellbeing objectives to "facilitate positive social change".

Question 1. Why does our community need to change socially?

Question 2. Could this mean more over reach of council's perceived authority though these selected groups and allowing these groups to have perceived control over our community?

Jane Price, Director Communities

Thank you for your question, Neil,

In response to question one, change comes from the things that communities feel are positive and in line with their needs. Responses to grant criteria are not designed or directed by Council, rather by the applicants who determine what is needed in their local community.

In response to your second question, we do not believe this is an overreach of Council's perceived authority. These grants are open to all community groups and we welcome applications from any group. This demonstrates Council's commitment to empowering the community to identify and lead projects to improve local outcomes.

9 PETITIONS

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

9.1 Petition to Council

SUMMARY

The following late petition have been received:

General Petitions

1. *That Council reconsider the removal of the ancient gumtree located at 3457a Warburton Highway, Warburton and look at other alternatives to keep a part of history for our town.*

In accordance with Governance Rule 58, Raveena Keller spoke in support of the recommendation included in the officer report.

Moved: Cr Child

Seconded: Cr Heenan

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

1. *Request to reconsider the removal of the tree located at 3457a Warburton Highway Warburton.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Warburton Mountain Bike Destination Planning Scheme Amendment Request

SUMMARY

The Warburton Mountain Bike Destination Project (the Project) will provide a world-class mountain bike trail development that will promote an active and healthy community and an economic boost to the visitor economy.

The draft planning scheme Amendment C198 documentation was advertised as part of the formal exhibition process of the Warburton Mountain Bike Destination Environment Effects Statement (EES). As part of this formal process submissions were invited on both the EES and the planning scheme amendment.

On 28 October 2022, the Minister for Planning completed an assessment of the Project's effects under the Environment Effects Act 1978, following the release of the report from the Inquiry and Advisory Committee (IAC) that conducted a public hearing from 15 March 2022 to 7 April 2022, to consider the 2707 submissions received on the project following its public exhibition. Of those approximately 2400 were submissions in support of the project.

The next step in the statutory approval process required to facilitate the construction of the project is the finalisation of a planning scheme amendment (Amendment C198).

Amendment C198 proposes to:

- Apply a Specific Controls Overlay (SCO16) to the Warburton Mountain Bike Destination Project Land to provide a comprehensive statutory planning control to facilitate the construction and operation of the Project. The SCO is a planning scheme provision that can be used rather than multiple separate planning permits that would be otherwise required under various provisions of the Yarra Ranges Planning Scheme;
- Amend the schedule to Clause 45.12 (Specific Controls Overlay) to insert a new Schedule 16 and a new Incorporated Document titled "Warburton Mountain Bike Destination Project Incorporated Document, March 2022", that sets out various conditions and plans that must be provided and met before the construction phase; and

As the amendment is one of Regional significance and has been considered through an exhibition and hearing process, it is proposed to request the Minister for Planning to use their powers of intervention under Section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve the amendment to the Yarra Ranges Planning Scheme.

In accordance with Governance Rule 58, Andrew Caspar spoke in support of the recommendation included in the officer report.

Moved: Cr Child

Seconded: Cr Eastham

That Council

Request the Minister for Planning to prepare, adopt and approve Amendment C198 to the Yarra Ranges Planning Scheme under Section 20(4) of the Planning and Environment Act 1987 to:

- (a) Apply Specific Controls Overlay 16 to the Warburton Mountain Bike Destination Project Land, to facilitate the development of the project generally in accordance with the attached documents;*
- (b) Amend the schedule to Clause 45.12 (Specific Controls Overlay) to insert a new Schedule 16 and a new Incorporated Document titled "Warburton Mountain Bike Destination Project Incorporated Document, March 2023, generally in accordance with the attached documents" to facilitate the development of the project;*
- (c) Make changes to the Schedule to Clause 72.03 (What Does this Scheme Consist of?) and the Schedule to Clause 72.04 (Table of Documents Incorporated into this Scheme); to facilitate the development project; and*
- (d) Notify relevant stakeholders and authorities of Council's decision to request a Ministerial amendment.*

The motion was Carried unanimously.

10.2 Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cox

SUMMARY

The *Local Government Act 2020* (the Act) governs the reimbursement of expenses for Councillors and members of a delegated committee. This requires Council to reimburse reasonable, bona fide out-of-pocket expenses incurred while performing their respective roles.

The Councillor Expenditure Policy (the Policy) requires all claims for the reimbursement of expenses to be made within three months of the date an expense has been incurred.

Claims submitted that fall outside this three-month period must be considered by Council.

In accordance with the Policy, approval is sought to reimburse out-of-pocket expenses relating to travel, to the value of \$302.58 incurred by Cr Cox during the period 18 October 2022 to 2 November 2022.

Cr Cox declared a material conflict of interest in Item 10.2, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cox, as the item refers to reimbursement of out-of-pocket expenses.

Cr Cox left the meeting at 7.48pm prior to the vote being taken.

Moved: Cr Heenan

Seconded: Cr Higgins

That Council approve the reimbursement of out-of-pocket expenses of \$302.58 incurred by Cr Cox during the period 18 October 2022 to 2 November 2022.

The motion was Carried unanimously.

Cr Cox returned to the meeting at 7.50pm following a vote being taken.

10.3 Partnership Grants Recommendations 2023

SUMMARY

Council invests in community wellbeing through its grant programs. The four-year Partnership Program offers service providers, community groups and cultural organisations the opportunity to secure funding to support delivery of vital community services and activities. This important support for community wellbeing is generally not within Council's role to directly deliver. The outcomes delivered through the program align with Council's strategic direction.

This report presents the recommendations for the 2023-2027 Partnership Program for Council endorsement. These are based on the independent panels' deliberations and assessment and the panels' endorsement of additional funding for the programs to better match their assessments.

Council received 52 eligible applications in two funding streams:

- Connected and Healthy Communities (27) and Creative Communities (25)

The recommendations for Year 1, total \$558,000.00. After Council endorsement an investment in communities of \$2,232,000.00 will be made during the four-years of the program. This includes an additional \$59,500 per year above the currently allocated budget of \$498,500 to better align with the Panels' assessments.

Following Council's decision, the successful applicants will be notified, and the 2023-2027 Partnership Program and payments will commence in July 2023.

Moved: Cr McAllister
Seconded: Cr Fullagar

That Councillors

1. *Endorse the funding recommendations of the Panels as follows;*
 - (a) *22 Connected and Healthy Communities grants, for a total of \$367,000.00 in Year 1 and \$1,468,000.00 across the four-year program lifecycle plus the annual rate base increase.*
 - (b) *18 Creative Communities grants, for a total of \$191,000.00 in Year 1 and \$764,000.00 across the four-year program lifecycle plus the annual rate base increase.*
2. *Endorse the provision of a one-off \$20,000 additional payment to Dandenong Ranges Music Council from the 2022-2023 endorsed Grants for Community budget to assist with the transition to the funding recommended by the Panel.*
3. *Acknowledge the significant contribution of the community members on the panel.*

The motion was Carried unanimously.

10.4 Yarra Ranges Tourism Partnership Agreement

SUMMARY

With support from Council, Yarra Ranges Tourism (YRT) was formally established in 2006 following the merger of two organisations, Destination Yarra Valley Dandenong Ranges (former Tourism Board) and the Yarra Valley Brand Inc. Since that time, Council has supported YRT, Yarra Valley Wine Growers Association trading as Wine Yarra Valley (WYV) and the Yarra Valley Regional Food Group (YVRFG) through a Partnering Agreement to enable unified strategic branding and marketing, and to secure the region's position as a major regional destination in Australia.

Three annual extensions to Council's existing 4-year Partnership Agreement (1 July 2016 to 30 June 2020) have been endorsed by Council to allow for the Victorian Government to provide clarity regarding the transition from Regional Tourism Boards (RTB) to a Visitor Economy Partnerships (VEP) model. The current Partnering Agreement with YRT and partners concludes on 30 June 2023.

A detailed transition plan or timeframe is not yet available from the Victorian Government and following the review (refer Attachment 1) of the YRT Partnering Agreement it is recommended Council continue to support the YRT partnership, through a new 3-year agreement until 30 June 2026, or until the VEP transition, should that commence sooner.

Moved: Cr McAllister
Seconded: Cr Eastham

That Council

1. *Establish a new Partnering Agreement with Yarra Ranges Tourism for a 3-year period commencing 1 July 2023 that includes:*
 - (a) *A collaborative partnership with Wine Yarra Valley and Yarra Valley Regional Food Group.*
 - (b) *Tourism Events Grants Program.*
 - (c) *Regional Promotion Program aligning with Destination Management Plan Product Priorities.*
2. *Maintains the existing funding arrangement of \$489,016 per annum with an annual review.*
3. *Authorise the Director Communities to prepare a new Partnering Agreement with Yarra Ranges Tourism containing the findings of the Yarra Ranges Partnering Agreement Review Report including:*
 - (a) *Alignment with the Council Plan 2021-2025 and the Yarra Ranges Economic Development Strategy 2022-2032.*
 - (b) *Revised Key Performance Indicators.*
 - (c) *Flexibility to terminate the agreement.*
4. *Receive further reports following the:*
 - (a) *Progress on the implementation of the Victorian Government's Visitor Economy Recovery and Reform Plan*
 - (b) *Preparation of a Destination Management Plan for the Yarra Valley and Dandenong Ranges Region by Yarra Ranges Tourism.*

The motion was Carried unanimously.

10.5 Sport and Recreation Victoria - 2023 Country Football Netball Program Application

SUMMARY

This report identifies two proposed projects to be approved by Council for submission to the Sport and Recreation Victoria's 2022-23 Country Football Netball Program. These projects are to improve the netball court surface, fencing and lighting at Morrison Reserve, Mount Evelyn and the lighting at Belgrave Recreation Reserve. Both these projects are identified priorities based on factors such as access, participation, compliance and, safety.

A maximum total of \$250,000 is potentially available from this program. It is proposed Council provide a contribution from its Capital Expenditure Program to fund the balance (resulting in a \$1:\$1 ratio).

Moved: Cr Skelton

Seconded: Cr Eastham

That

1. *Council endorses the following projects for submission to the 2022-2023 Country Football Netball Program:*
 - (a) *Morrison Reserve Netball Court Surface, Fencing and Lighting Upgrade; and*
 - (b) *Belgrave Recreation Reserve Sports Lighting Upgrade.*
2. *Council endorses a contribution from the Capital Expenditure Program to fund the balance between estimated project cost and the Sport and Recreation Victoria funding should they be successful in submission to the Country Football Netball Program.*

The motion was Carried unanimously.

10.6 Jellicoe Avenue, Monbulk - Special Charge Scheme

SUMMARY

This report presents to Council for approval the final cost of works for the Jellicoe Avenue, Monbulk Road Improvement Works Special Charge Scheme.

Moved: Cr Eastham

Seconded: Cr Heenan

That

- 1. Council approve the Final Cost of Works (Attachment 1) associated with the Jellicoe Avenue, Monbulk Special Charge Scheme with no variation in landowner apportionment costs.*
- 2. Landowners included in the special charge scheme be advised of the result of the final costing of the scheme.*

The motion was Carried unanimously.

10.7 Martin Street (from Merrigum Lane to no.26), Belgrave - Special Charge Scheme

SUMMARY

This report presents to Council for approval the final cost of works for the Martin Street (from Merrigum Lane to no.26), Belgrave Road Improvement Works Special Charge Scheme.

Moved: Cr Skelton

Seconded: Cr Higgins

That

1. *Council approve the Final Cost of Works (Attachment 1) associated with the Martin Street (from Merrigum Lane to no.26), Belgrave Special Charge Scheme with no variation in landowner apportionment costs.*
2. *Landowners included in the special charge scheme be advised of the result of the final costing of the scheme.*

The motion was Carried unanimously.

11 COUNCILLOR MOTIONS

In accordance with Chapter 3, Division 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions listed on the agenda for this meeting.

12 ITEMS THROUGH THE CHAIR

12.1 Australian White Ibis Population

Cr McAllister raised concerns regarding the increase in population of the Australian White Ibis in Healesville, and noted the community impact, on both recreation activities and health. Cr McAllister noted the Healesville Action Group has commenced the development of a wildlife management plan in conjunction with the Department of Energy, Environment and Climate Action.

13 REPORTS FROM DELEGATES

Cr Cox:

- Attended the Environmental Volunteers Event held on 25 March 2023 in Woori Yallock. Cr Cox noted the attendance of former Councillors Noel Cliff and Betty Marsden at the event. The Mayor and Cr Skelton also attended the event.
- Attended the Lilydale Adventist Church opening held on 25 March 2023 in Lilydale.

Cr Skelton:

- Attended the Hills Regional Community Recovery Committee (RCRC) meeting and information session held on 16 March 2023.
- Attended the 100 Year Anniversary of Belgrave Fire Brigade - CFA held on 25 March 2023 in Belgrave.

Cr Higgins:

- Attended the Celebrate Mooroolbark event held on 19-18 March 2023. Cr Todorov also attended the event.

14 DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing received for this meeting.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Child

Seconded: Cr Skelton

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

The motion was Carried unanimously.

16 URGENT BUSINESS

There was no Urgent Business received for this meeting.

17 CONFIDENTIAL ITEMS

In accordance with section 66(2)(a) of the Local Government Act 2020.

There were no Confidential Items listed on the agenda for this meeting.

18 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 8.24 pm.

Confirmed this day, Tuesday, 11 April 2023.

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Councillor Jim Child (Mayor)