



Council Meeting

Minutes

Tuesday, 10 October 2023
Council Chamber - Civic Centre
and via Videoconference

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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- 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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In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 591ST COUNCIL MEETING HELD ON TUESDAY, 10 OCTOBER 2023 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

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 Sophie Todorov (Deputy Mayor)

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor David Eastham

Councillor Tim Heenan

Councillor Johanna Skelton

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Jane Price, Director Communities

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Richard Higgins.

5 MAYORAL ANNOUNCEMENTS

The mayor welcomed former Councillor and Mayor Maria McCarthy in the Gallery.

Vale Dr Kevin Tolhurst

The Mayor read the following statement;

As a municipality that is impacted by bushfire it is with a heavy heart I acknowledge the passing of Dr Kevin Tolhurst this week.

Kevin was a quiet, unassuming, yet fiercely passionate man who was a wealth of knowledge on fire behaviour. Due to his passion and dedication he was awarded the Order of Australia and the International Association of Wildland Fire's Ember Award.

A well-respected scientist, Kevin came to Yarra Ranges after Black Saturday and spoke to us at length about the issues and he always made time to talk to CFA volunteers about fires and fire behaviour.

He will be sorely missed by all of us who work in fire management from the CFA to our own council. Our thoughts go out to his friends, family and colleagues during this incredibly difficult time.

Vale Kevin.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Child

Seconded: Cr McAllister

That the Minutes of the Council Meeting held Tuesday 26 September 2023, as circulated, be confirmed.

The motion was Carried unanimously.

7 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 Eastham declared a material conflict of interest in Item 10.3, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Eastham, as the item refers to reimbursement of out-of-pocket expenses.

Cr Fullagar declared a general conflict of interest in Item 10.5, 2024 Grants for Community Recommendations, as the item refers to a community group he has involvement in.

8 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

Anonymous asked;

Relating to the fortnightly collection of general rubbish.

The council informs me that 45% of my waste is able to be put in my green waste bin. The last 2 weeks we have had 2 small compostable bags which is nowhere near the 45% suggested. More like 10%. Where should I dispose of the overflow of rubbish we will now have?

Kath McClusky, Director Planning and Sustainable Futures:

Thank you for your question.

We acknowledge that this is the most significant change to our waste and recycling collection in decades, and that change can be challenging.

If you require further information regarding your waste management. We have detailed information on our website to help you in making any changes needed and to help the broader community reduce waste being sent to landfill.

Furthermore, if you require addition bins, you can request an additional bin service by contacting Council, noting there is a service cost for an additional bin.

There were no Submissions listed on the Agenda for this meeting.

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.

There were no Petitions received for this meeting.

10 BUSINESS PAPER

10.1 YR-2022/834 - 1 Baynes Park Road, Monbulk – Planning Report

SUMMARY

The proposed childcare centre is located within Monbulk township's residential area adjacent to Monbulk commercial precinct. The childcare centre provides for an essential community infrastructure for Monbulk and surrounding communities in a location that is both compatible and commonplace within a residential area.

The application was reviewed by the Country Fire Authority (CFA) and internally by Council's Engineering Traffic and Drainage departments, Strategic Planning and Urban Design Department, and Arborist. All referral assessments determined no overarching concerns with the proposal, subject to conditions.

The design response draws special attention to minimising negative impacts to adjoining neighbours by its an effective layout, generous setbacks and installation of acoustic measures and overlooking treatments. The design response integrates and responds to the constraints and characteristics of the site and surrounds with its residential scaled building form and residential design details.

At the time of writing this report the proposal received 22 objections and one letter of support. The primary concerns raised were land use appropriateness, accumulative amenity impacts including noise concerns, visual bulk of the development, accumulative traffic impacts including increase in traffic, increase in car noise and fumes, decreased traffic/pedestrian safety and potential for poor driving behaviour, lack of car parking on site and within Baynes Road, and vegetation removal. The submission in support identifies the site as a good location promoting walkability between site, town centre and schools, intersection was not too dangerous and identified a general need for this community infrastructure.

Overall, the proposed development has an appropriate design response and is satisfactory when assessed against the relevant policies including Municipal Planning Strategy and the Planning Policy Framework, provisions, and prescribed design standards of the Yarra Ranges Planning Scheme. Therefore, it is recommended that the application be approved subject to conditions.

In accordance with Governance Rule 58, Robin Oakley spoke in objection to the recommendation included in the officer report.

In accordance with Governance Rule 58, Jason Sumner, on behalf of the applicant, spoke in support of the recommendation included in the officer report.

Moved: Cr Eastham
Seconded: Cr Skelton

That Council resolve to approve Planning Application YR-2022/834 for Use of land for a childcare centre, building and works to construct a childcare centre, building and works to construct a front fence, removal and lopping of vegetation and removal of access to a Transport Zone 2 at 1 Baynes Park Road, Monbulk and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

The motion was Carried unanimously.

10.2 Lilydale Heritage Amendment C207 Panel Recommendations

SUMMARY

Amendment C207 proposes to amend the Yarra Ranges Planning Scheme to apply the Heritage Overlay to thirteen places in Lilydale, amend the existing Heritage Overlay for five places in Lilydale, and add both the new and updated Statements of Significance for 20 heritage places as Incorporated Documents in the Planning Scheme.

The amendment was placed on public exhibition from 10 November 2022 to 12 December 2022 and five submissions were received. Of those, two submissions opposed the application of the Heritage Overlay, one submission supported the amendment and requested a number of modifications to address accuracy of historical information and the proper acknowledgement of sources in the Statements of Significance for several properties, and two submissions stated that they had no objection to the amendment.

At the Council Meeting of 11 April 2023, Council considered submissions and resolved to request the appointment of an independent planning panel appointed by the Minister for Planning.

The Panel hearing was held on 1 August 2023. The Panel has now provided its report and recommendations to Council.

The Panel has recommended that Amendment C207 be adopted with some modifications, including reduction in the size of the curtilage (mapped HO area) for the olive tree at 2-4 Albert Hill Road and refinement of the planning scheme provisions applying to the heritage trees at 57 Warburton Highway. A copy of the panel report is at Attachment 1.

It is recommended that Council adopt Amendment C207 consistent with the Panel's findings.

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

Moved: Cr Todorov

Seconded: Cr Heenan

That Council

- 1. Having considered the recommendations of the Panel Report, adopt Amendment C207 to the Yarra Ranges Planning Scheme with changes in accordance with the Panel's recommendations and generally in accordance with Attachments to this report.*
- 2. Submit Amendment C207 to the Minister for Planning for approval.*
- 3. Write to submitters advising of the outcome of Council's decision.*

The motion was Carried unanimously.

10.3 Councillor Expenditure Policy - Reimbursement of Expenses for Cr Eastham

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 \$1,188.18 incurred by Cr Eastham during the period 4 April 2023 to 31 May 2023.

Cr Eastham declared a material conflict of interest in Item 10.3, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Eastham, as the item refers to reimbursement of out-of-pocket expenses.

Cr Eastham left the meeting at 8.05pm prior to discussion and the vote being taken.

Moved: Cr Heenan

Seconded: Cr Cox

That Council approve the reimbursement of out-of-pocket expenses of \$1,188.18 incurred by Cr Eastham during the period 4 April 2023 to 31 May 2023.

The motion was Carried unanimously.

Cr Eastham returned to the meeting at 8.06pm following a vote being taken.

10.4 Health & Wellbeing Plan Update

SUMMARY

The *Public Health and Wellbeing Act 2008* requires Councils to develop a Municipal Public Health and Wellbeing Plan every four years. Council formally endorsed and commenced delivery of the Health and Wellbeing Plan 2021-2025 (the Plan) in 2021.

The Health and Wellbeing Progress Report (Attachment One) highlights some of the key achievements and completed projects for each of the seven priority areas of the Plan. This provides insight into the first two years of implementing the Plan and a line of sight between Council strategy and tangible health and wellbeing outcomes within community.

A wide range of innovative projects have occurred under each of the seven priorities of the Plan, despite not all being showcased in the Health and Wellbeing Progress Report. COVID-19 and major weather events have impacted the delivery of the Plan. To mitigate any risk of achieving optimal health and wellbeing outcomes for the community, a thorough review and refocus of the Plan has been completed. The remaining two years of the Plan will have an evaluation framework implemented to focus on achieving the greatest outcomes for the community.

Cr McAllister left the meeting at 8:06 and returned to the meeting at 8.07pm prior to the vote being taken.

Moved: Cr Todorov

Seconded: Cr Fullagar

That Council

- 1. Note the progress of the endorsed Health and Wellbeing Plan 2021-2025, as outlined in the Health and Wellbeing Progress Report.*
- 2. Endorse the Health and Wellbeing Progress Report.*

The motion was Carried unanimously.

10.5 2024 Grants for Community Recommendations

SUMMARY

Council is committed to partnering with the community through grant funding to encourage, support, and sustain an array of community-led initiatives. Grants support community led projects aligned to the delivery of Council's strategic objective of "*Connected and Healthy Communities*." These grants help communities to thrive, build social connections, enhance liveability, recover from natural disasters, and facilitate stronger, more resilient communities.

The three streams in the Grants for Community program focus on community development, arts and heritage, and festivals and events to bring community together. The grants encourage an asset-based community development (ABCD) approach, harnessing the strengths, experience, and ideas of communities across the municipality.

Two independent panels met for a day long deliberation where they developed a consensus on their recommendations to Council. This report presents the Panels' recommendations for projects to be funded through the 2024 Grants for Community Program. The projects recommended in each stream are contained in Attachment One. The recommendations are for funding totalling \$499,856.69 which is within the 2023-24 endorsed budget.

Cr Fullagar declared a general conflict of interest in Item 10.5, 2024 Grants for Community Recommendations, as the item refers to a community group he has involvement in.

Cr Fullagar left the meeting at 8:12 prior to discussion and the vote being taken.

Moved: Cr Cox

Seconded: Cr McAllister

That Council

1. *Endorse the recommendations of the two assessment panels to award grants to projects that will be delivered in 2024 as part of the Grants for Community program*
 - (a) *Arts and Heritage, 17 projects to the total value of \$160,133.*
 - (b) *Community Development, 35 projects to the total value of \$241,920.*
 - (c) *Festivals and Events, 14 projects to the total value of \$97,805.*
2. *Acknowledge the panel members for their contribution of time and expertise in assessing the grant projects recommended for funding.*

The motion was Carried unanimously.

Cr Fullagar returned to the meeting at 8.20pm following a vote being taken.

10.6 Capital Development Grants

SUMMARY

This report outlines the outcome of the 2023/2024 Capital Development Grant Program.

Sixteen projects are recommended to be funded through this round of the grant program.

Funding agreements will be established with each recipient for the delivery of their initiative following formal consideration by Council.

Five projects are not recommended for approval in this round. Where eligible, the Recreation & Sport team will continue to work with these community groups on the development of their grant applications for future rounds.

Moved: Cr Eastham

Seconded: Cr Heenan

That Council note the following grant amounts that are proposed to be delivered following applications to the 2023/2024 Capital Development Grant Program

1. \$24,000.00 to the Yarra Glen Cricket Club
2. \$24,000.00 to the Mt Evelyn Cricket Club
3. \$24,000.00 to the Wandin Community Hub
4. \$20,000.00 to the Yarra Glen and District Pony Club Inc
5. \$14,000.00 to the Lilydale Bowling Club Incorporated
6. \$12,000.00 to the Mount Evelyn Tennis Club
7. \$10,535.00 to the Upper Yarra Pony Club Inc
8. \$10,000.00 to the Lilydale BMX Club Inc
9. \$8,500.00 to the Lilydale Tennis Club
10. \$8,050.00 to the Wesburn Junior Football Club
11. \$5,275.50 to the Monbulk Netball Club
12. \$4,600.00 to the Lilydale & District Model Flying Association Inc.
13. \$3,910.00 to the Hoddles Creek Cricket Club Inc.
14. \$2,285.00 to the Healesville Bowling Club
15. \$1,805.00 to Mooroolbark & District Miniature Railway & Steam Club Inc
16. \$888.50 to the Selby Tennis Club

The motion was Carried unanimously.

10.7 Active Recreation Plan

SUMMARY

This report seeks to:

- Inform Council of the outcomes of the recent consultation undertaken for the draft Active Recreation Plan (the draft Plan) - Attachment 1.
- Identify any changes proposed following consultation.
- Seek Council's endorsement for the draft plan.

The plan targets an increase in physical activity levels in Yarra Ranges by 15% over ten years. Currently, over 42% of women and over 36% of men in Yarra Ranges are sedentary or insufficiently active.

The draft Plan was available for community consultation from 10 July 2023 to 31 August 2023.

89% of feedback was in support of the plan. Most comments received related to suggestions for activation and infrastructure projects that could be considered as part of the plan's implementation.

There were two changes made to the plan following collation of all feedback and community consultation which related to how the plan referenced Aquatics facilities and altering the document structure to improve how some sections related to each other.

The development of the draft Plan is being partially funded through a grant received from Sport and Recreation Victoria in 2019. Full implementation of the plan is estimated to cost \$8,325,000 over ten years and will be subject to grant opportunities and budget availability.

Moved: Cr Todorov
Seconded: Cr Fullagar

That Council

1. *Note the feedback and changes from the community consultation.*
2. *Endorse the Active Recreation Plan.*

The motion was Carried unanimously.

10.8 Growing Suburbs Fund Update

SUMMARY

This report proposes a list of projects to be prioritised and endorsed by Council for their submission to the Growing Suburbs Fund 2023-2024 (GSF).

Applications opened on 25 August 2023 and close on 20 October 2023, with outcomes to be announced in January 2024.

This program's total fund is \$10 million. There is no limit on the number of projects councils can submit however no council will be awarded more than 20% of the total pool of funds. All amounts in this report exclude GST.

Funding ratio is Yarra Ranges \$1 : Growing Suburbs Fund \$1.

In line with previous GSF programs, successful projects are to be commenced no later than 18 months after the date of funding agreement execution and to be completed no later than 24 months after construction works commenced.

Submission of proposed projects must have been discussed with GSF representatives and have the formal endorsement of Council.

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

Moved: Cr Todorov
Seconded: Cr Heenan

That Council

1. *Endorses the following listed projects, subject to meeting funding criteria, to the 2023- 2024 Growing Suburbs Fund*
 - (a) *Mount Evelyn Recreation Reserve Playspace*
 - (b) *Kemp Reserve Playspace*
 - (c) *Bimbadeen Reserve Playspace*
 - (d) *Lilydale Heritage Station*
2. *Endorses a maximum 1:1 funding contribution for playspace projects from existing Council budgets.*
3. *Notes Council's contribution for the Lilydale Heritage Station project comprises third party funding and Council's component of the Lilydale Revitalisation Project.*

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 Emerald Monbulk Road, Monbulk Pedestrian Crossing

Cr McAllister raised concerns regarding a safe pedestrian crossing on Emerald Monbulk Road, Monbulk in the vicinity of Baynes Road, Monbulk. Cr McAllister requested the Director of Built Environment and Infrastructure investigate and advocate to Department of Transport for a safer pedestrian crossing.

The Mayor requested Officers to prepare a briefing for Councillors on the matter.

12.2 Poetic Portraits Event

Cr Todorov attended the Poetic Portraits Launch Event held Thursday 28 September 2023 at the Yarra Ranges Council Civic Centre. Poetic Portraits celebrates the rich and diverse life stories of Yarra Ranges residents over 50 and is part of the Yarra Ranges Over 50's Festival. Cr Todorov encouraged the community to visit the exhibition which is open until Wednesday 31 January 2024. Cr Skelton also attended the event.

13 REPORTS FROM DELEGATES

Cr Skelton

- Attended the Sustainable Environment Advisory Committee Meeting held on Thursday 5 October 2023 at the Yarra Ranges Council Civic Centre. Cr Fullagar also attended the meeting.

Cr McAllister

- Attended the Audit and Risk Advisory Committee Meeting held on Monday 2 October 2023 at the Yarra Ranges Council Civic Centre. Cr Child also attended the meeting.

Cr Heenan left the meeting at 8:42 and returned to the meeting at 8.43pm.

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 Cox

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: 8.47 pm.

Confirmed this day, Tuesday, 24 October 2023.

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Councillor Jim Child (Mayor)