



Mansfield Shire

MINUTES

Council Meeting

Tuesday 19 September 2023

Our aspiration for our Shire and its community

We live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.

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1. Opening of the meeting

Mayor James Tehan opened the meeting at 5:00 pm.

2. Present

- Councillor Holcombe
- Councillor Rabie
- Councillor Sladdin
- Councillor Webb

In Attendance:

Chief Executive Officer:

Kirsten Alexander

General Manager Infrastructure & Planning:

Melissa Crane

General Manager Business & Economic Development:

Julie Williams

Executive Manager Community Health & Wellbeing:

Nola Bales

Directorate Support Community & Corporate Services:

Olivia Adams

Manager Planning & Environment:

Maya Balvonova

Senior Statutory Planner:

Claire Wilkinson

Coordinator Capital Works Delivery:

Donald Kwan

Capital Works Project Officer:

Fabian Rukshan

3. Apologies

Nil

4. Statement of commitment

Mayor James Tehan read Council's Statement and called on each Councillor to confirm their commitment:

"As Councillors of Mansfield Shire we are committed to ensuring our behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter. We will, at all times, faithfully represent and uphold the trust placed in us by the community."

5. Acknowledgement of Country

Councillor Steve Rabie recited Council's Acknowledgement of Country:

"Our meeting is being held on the lands of the Taungurung people and we wish to acknowledge them as Traditional Owners. We would also like to pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be here today."

6. Disclosure of conflicts of interest

Nil

7. Confirmation of minutes

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT the Minutes of the Mansfield Shire Council meeting held on 15 August 2023 be confirmed as an accurate record.

CARRIED

8. Representations

Item 13.2.5 'P068/23 - 600 Aldous Road Mansfield'

- Adrian Aldous (applicant)

Item 13.2.6 'P084/23 - 2 Greenvale Lane Mansfield'

- Tim Berger (Director - Hatch Planning)

9. Notices of motion

Nil

10. Mayor's report

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive the Mayor's report for the period 15 August 2023 to 13 September 2023.

CARRIED

11. Reports from council appointed representatives

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL note the verbal reports provided by Councillors in relation to their representation on external Committees.

CARRIED

12. Public question time

Nil

13. Officer reports

13.1. Chief Executive Officer's report

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL receive and note the Chief Executive Officer's report for the period 15 August 2023 to 13 September 2023.

CARRIED

13.2. Infrastructure and Planning Directorate

13.2.1. EB Mawsons Land Lease Agreement

Councillor Steve Rabie/Councillor Mark Holcombe:

THAT COUNCIL:

1. Approves the proposed lease of part of Crown Allotments 83A1, 83A, 82AB1, and 82AB2, located at Monkey Gully Road, Mansfield, Victoria 3722 for a period of 5 years, without the inclusion of any subsequent extension term, to E.B. Mawson & Sons Pty Ltd.
2. Sets the annual lease payment at \$8,560 per annum (ex GST) payable on a quarterly basis, with an annual CPI increase.
3. Provides public notification of the intention to lease the above-mentioned land.
4. Authorises the Chief Executive Officer to execute the lease agreement on completion of the public notification process.

CARRIED

13.2.2. Mansfield Croquet Club and Delatite Cricket Club

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL:

1. Endorses the proposal to enter into a license agreement for use of the Lords Ground Reserve with the Mansfield Croquet Club, for a period of 5 years with two (2) further terms of 5 years, with a commencement date from 1 September 2023.
2. Endorses the proposal to enter into a license agreement for the Lords Ground Reserve and the Mansfield Recreational Reserve with the Delatite Cricket Club, for a period of 5 years with one (1) further term of 5 years, with a commencement date from 1 October 2023.
3. Receives an annual license fee from Mansfield Croquet Club of \$152 (ex GST) and an annual license fee of \$2,771 (ex GST) from the Delatite Cricket Club, with an annual CPI increase to be applied to the fees.
4. Provides public notification of the intention to enter a license agreement with the above-mentioned parties.
5. Endorses the Chief Executive Officer executing the license agreements on completion of the public notification process.

CARRIED

13.2.3. Mansfield Tennis Association

Councillor Rohan Webb/Councillor Steve Rabie:

THAT COUNCIL:

1. Enter into Community Asset Committee agreement for the Mansfield Tennis Association (MTA) for a period of 10 years, together with an unlimited number of additional ten (10) year agreement options, commencing on 1 October 2023.
2. Provides public notification of the intention to create a Community Asset Committee with the above-mentioned party.
3. Endorses the Chief Executive Officer executing the Community Asset Committee agreement on completion of the public notification process.

CARRIED

13.2.4. Fees and Charges Waiver Requests

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL:

1. Approves the proposed Criteria for Waiver of Local Law Permit fees.
2. Notes that the Criteria will be implemented immediately upon approval by Council.
3. Approves a waiver for the hire of rooms at the Mansfield Family and Childrens Centre for up to 50 hours for the 2023-24 Financial Year to Upper Murray Family Care Incorporated.
4. Authorises the CEO to negotiate an annual fee with the Mansfield Mount Buller Cycling Club for their events, to be processed as one permit for the year.

CARRIED

13.2.5. P068/23 - 600 Aldous Road Mansfield

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL:

1. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural subdivision/development, specifically Clauses 11.01-1S, 14.01-1S, 14.01-2S and 16.01-3S, which aim to manage subdivision and development in rural areas to protect and enhance agriculture and avoid fragmentation of productive agricultural land. The proposed subdivision introduces a rural-lifestyle land parcel into an active, working agricultural area, creates additional dwelling development opportunities on the balance lot that currently do not exist, and creates the potential for land use conflict to existing agricultural activities and affecting the operation or expansion of other agricultural activities.
2. The proposal is inconsistent with Planning Policy at Clause 14.01-1L of the Scheme, as it:
 - a. Does not support the agricultural use of the land;
 - b. Reduces the long-term viability of rural production in the area by way of creating a rural-residential parcel in an active, working Farming Zone area with no equivalent lots in the immediate surrounds; and
 - c. Does not create the smallest practicable lot for a house lot based on the characteristics of the site (and well in excess of the 2ha envisaged in this clause);
3. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to avoid fragmentation of productive agricultural land and ensure that land holdings remain a viable size for agricultural production without creating expectation of rural lifestyle land use in the Farming Zone. The proposal would:
 - a. Create an excessively large house lot that unreasonably removes agricultural land and infrastructure from the balance parcel;
 - b. Creates an opportunity for additional dwelling development on the balance lot 'as of right' that currently does not exist on the land as currently configured;
 - c. Fails to protect productive agricultural land on the site and surrounding area from land fragmentation and incompatible use and development; and
 - d. Fails to protect the ongoing viability of agricultural land on the site and surrounding area.
4. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seeks to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The proposed subdivision is likely to result in land use conflict to existing and future

agricultural activities, could lead to the concentration and proliferation of dwellings in the area, with impacts on existing agricultural activities, and provides no agricultural benefit to the land and surrounding area, contrary to the decision guidelines of the zone.

CARRIED

13.2.6. P084/23 - 2 Greenvale Lane Mansfield

Councillor Mark Holcombe/Councillor Steve Rabie:

THAT COUNCIL issue a **Planning Permit** for Planning Application P084/23 for a Use and development of land for a Child Care Centre and Indoor Recreation Facility (Indoor Swimming Pool), and a reduction of Car Parking Spaces on PC 377104W (proposed Lot 1 PS 905402K) commonly addressed as Part of 2 Greenvale Lane, Mansfield in accordance with the endorsed plans and subject to the following conditions:

Endorsed Plans

1. The use and development must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.
2. Prior to the commencement of the use authorised by this permit, all works required as per the endorsed plans (including but not limited to the built form, stormwater drainage, accessways and landscaping) must be completed to the satisfaction of the Responsible Authority.
3. Prior to the commencement of works, an amended Traffic Impact Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must consider:
 - a. Additional traffic as part of Councils Heavy Vehicle Alternative Route (Greenvale Lane);
 - b. Peak traffic for the Child Care Centre turning into the development;
 - c. Any requirement for a short-left turn lane, or similar.
4. Prior to the commencement of works, a detailed landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
 - a. Details of surface finishes of pathways and driveways.
 - b. A planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c. Landscaping and planting within all open areas of the subject land.
 - d. Suitable landscaping and plantings along the Greenvale Lane boundary within the subject land.

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

5. Prior to the commencement of use, a Bushfire Emergency Management Plan (BEMP) must be submitted to and approved by the Responsible Authority. Once approved, the BEMP will be endorsed and will then form part of the permit. The BEMP must be developed in accordance with AS 3745-2010 Planning for emergencies at facilities and specifically consider the following in response to the bushfire risks:

- a. Clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:
 - i. Describe property and business details.
 - ii. Identify the purpose of the BEMP stating that the plan outlines procedures for:
 - o Closure of premises on any day with a Fire Danger Rating of Catastrophic.
 - o Evacuation (evacuation from the site to a designated safer off-site location).
 - o Shelter-in-place (remaining on-site in a designated building).
 - iii. Review of the BEMP
 - iv. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period
 - v. Include a Version Control Table.
 - vi. Roles and Responsibilities:
 - o Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which staff, visitors and children will shelter in place or evacuate.
 - vii. Emergency contact details
 - viii. Bushfire monitoring procedures
 - o Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - o Describe and show (include a map) the area to be monitored for potential bushfire activity.

Bicycle Facilities

6. No fewer than five (5) bicycle parking/storage facilities must be provided on the land and available for use by the staff and patrons of the Swimming Pool (Indoor Recreation Facility).

Operating and amenity

7. Except with the prior written consent of the Responsible Authority, the **Childcare Centre** must only operate between:
 - a. 6:00am – 7:00pm Monday to Friday.
8. Except with the prior written consent of the Responsible Authority, the **Swimming Pool** must only operate between:
 - a. 6:00am – 7:00pm Monday to Friday; and
 - b. 8:30am – 1:00pm Saturday to Sunday.
9. Waste collection must only be undertaken between:
 - a. 7am – 6pm Monday to Friday; and
 - b. 8am – 1pm Saturdays.
10. All plant and equipment (including, but not limited to air conditioner condensers, exhaust fans and other mechanical services) must be baffled so as to comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, and must be screened from public view.
11. The use must at all times comply with EPA Publication 1826 *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (or as amended).

12. Prior to the commencement of the use authorised by this permit, the area set-aside for vehicle access and movement through the site, as shown on the endorsed plans, must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways,to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. The loading and unloading of goods, including waste collection must be carried out entirely within the boundaries of the subject land.
14. Outdoor lighting must be designed, baffled, and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
15. Maintenance of all building's surrounds and accessways within the site must be carried out so that the site is neat, tidy, and clean at all times to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained in good condition to the satisfaction of the Responsible Authority, and any dead, dying, diseased or damaged plants are to be replaced with like for like replacements of the same or greater size.
17. The stormwater management system must be maintained in good working order at all times to the satisfaction of the Responsible Authority.
18. The external materials, including the roof, must be constructed of materials of muted colours to protect the aesthetic amenity of the area. No materials having a highly reflective surface must be used. For the purpose of this clause "highly reflective" includes unpainted or untreated aluminium, zinc, or similar materials.

Engineering

19. Prior to the commencement of works the Stormwater Management Plan must be amended to include calculations for pre-development and post-development stormwater discharge volumes. The existing overland flow path through the land must be considered and planned for. An assessment must be made to ensure no impact by a 1% AEP rain event for the buildings and works and on any adjoining and neighbouring land.
20. Prior to the commencement of works drainage plans and computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority. The plans must include an on-site detention by use of rainwater tanks or similar detention system(s) designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from predevelopment levels by the proposed development.
21. Prior to the commencement of works a vehicle crossover must be constructed to council satisfaction. Prior to any works proceeding within the road reserve, an application for Works Within Roads Reserve Permit must be made and approved by the Responsible Authority.
22. Prior to commencement of works, an application must be made to Council to obtain a Legal Point of Stormwater Discharge.
23. Prior to the commencement of works all design drawings for any road upgrade works to Greenvale Lane and the internal access must be submitted to Council for review. All design work must be conducted by a suitably qualified CPEng, RPEng or National Engineering Registered (NER) engineer, to the satisfaction of the Responsible Authority.

24. Prior to the commencement of use, all recommendations approved by the Responsible Authority, as included in the amended Traffic Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority.
25. Prior to the commencement of use the internal access must be constructed according to the pavement composition and sealed surface designed by a suitably qualified engineer to the satisfaction of the responsible authority.
26. All external access areas must be suitably lit to provide adequate illumination without affecting the amenity of the area.
27. The extent and depth of all proposed lot filling is to be denoted on the design plan. Where depths of fill on allotments exceed 300 mm, those areas are to be clearly differentiated from areas where the depths of fill are less than 300 mm. Where the depth of fill exceeds 300mm, the fill is to be compacted in accordance with the Compaction Requirements of VicRoads Technical Specification.
28. Altered overland flow paths must pass through the designed routes within easements. No overland flows shall be allowed to impact on the adjacent lots or council assets.
29. Any damage to Council managed assets as a result of construction activity, such as roads, footpaths, street trees and stormwater infrastructure, must be repaired at the cost of the developer to the satisfaction of the Responsible Authority.

Goulburn Broken Catchment Management Authority

30. The finished floor level of the proposed buildings must be constructed at least 300 millimetres above the 1 in 100 AEP flood level of 325.8 metres AHD, i.e. 326.1 metres AHD, or high level deemed necessary by the responsible authority.

Goulburn Valley Water

31. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
32. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
33. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
34. Provision of combined sewer drains with an inspection opening to each tenement within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
35. In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage,' and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;
36. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
37. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage,' and to the satisfaction of the Corporation's Property Services Section;
38. Discharge of Trade Waste from the development will be subject to a Trade Waste Discharge Consent. Application to determine the specific requirements for your development may be required. Please contact the Business Customer Service Team on 03 5832 4800 or via email mail@gvwater.vic.gov.au to discuss your business' needs;
39. The above conditions are subject to the issuing of Preliminary Acceptance for construction of Sewer assets to allow sewer connection to Proposed Lot 2 PS905402K

and Statement of Compliance to 2 Lot subdivision PS905402K, 2 Greenvale Lane, as proposed Lot 2 is currently connected to Corporation sewer via proposed Lot 1.

Permit Expiry

40. This permit will expire if any one of the following circumstances applies:
- The development has not commenced within two (2) years of the date of this permit.
 - The development is not completed, and the use commenced within six (6) years of the date of this permit.
 - The use ceases for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

NOTATIONS

- This permit does not authorise the commencement of any building construction works. Before any such development may commence, the permit holder must apply for and obtain appropriate building approval.
- A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit
Goulburn Valley Water
- Connection to water supply services for each tenement may be subject to backflow prevention requirements determined at the time of application to connect to this service. Backflow prevention devices are to be installed in accordance with Goulburn Valley Water's requirements and to the Corporation's satisfaction.
- Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development. The applicant should contact the Corporation to discuss current and future proposals for this development.

CARRIED

13.3. Community and Corporate Services Directorate

13.3.1. Auspice Arrangements Policy

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL adopt the updated Auspice Arrangements Policy.

CARRIED

13.3.2. Procurement Policy

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL endorses the updated Procurement Policy.

CARRIED

13.3.3. Mansfield Central Registration and Enrolment Scheme (CRES) Proposal

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL endorses the implementation of the recommendations from the feasibility study.

CARRIED

13.3.4. Council Plan Reporting

Councillor Mark Holcombe/Councillor Paul Sladdin:

THAT COUNCIL receive and endorse the Council Plan 2021–2025 end of financial year performance report 2022-23.

CARRIED

13.3.5. Mansfield Shire Audit and Risk Committee – Chair’s Report to Council

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL receive and note the Mansfield Shire Audit and Risk Committee report for the 12 months ended 30 June 2023.

CARRIED

14. Council Meeting Resolution Actions Status Register

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT Council receive and note the Mansfield Shire Council Meeting Resolution Actions Status Register as at 11 September 2023.

CARRIED

15. Advisory and Special Committee reports

15.1. Audit & Risk Committee Meeting Agenda & Minutes

Councillor Rohan Webb/Councillor Steve Rabie:

THAT COUNCIL receive the Agenda & Minutes of the Mansfield Shire Audit and Risk Committee meeting held 28 August 2023.

CARRIED

16. Authorisation of sealing of documents

Nil

17. Closure of meeting to members of the public

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL close the meeting to members of the public under Section 66(2)(a) of the Local Government Act 2020 to consider Confidential Reports in accordance with section 66(2) of the Local Government Act 2020 for reasons defined in section 18 below.

CARRIED

The Council Meeting Agenda 19 September 2023 was closed to the public at 6.32 pm.

18. Confidential Reports

18.1. Tender Award of Reseal Preparation Program 2023-24

Councillor Steve Rabie/Councillor Rohan Webb:

THAT COUNCIL:

1. Award a lump sum contract for the Reseal Preparation Program to Bild Infrastructure Pty Ltd in the amount of \$694,480.83 (ex. GST).
2. Approve a 10% construction contingency amount of \$69,448.08 (ex. GST)
3. Authorise the Chief Executive Officer to execute the contract.
4. Make this resolution public by including it within the public minutes of the Council meeting.

CARRIED

18.2. Tender Award of Reseal Program 2023-24

Councillor Mark Holcombe/Councillor Rohan Webb:

THAT COUNCIL:

1. Awards a lump sum contract to Boral in the amount of \$604,895.34 (ex. GST) for the 2023-24 Resealing Program.
2. Approves a 10% construction contingency amount of \$60,489.53 (ex. GST).
3. Notes the allocation of \$163,563.91 (ex GST) to the Reseal Preparation Program from the remaining budget.
4. Authorises the Chief Executive Officer to execute the contract.
5. Make this resolution public by including it within the public minutes of the Council meeting.

CARRIED

18.3. Potential Land Acquisition

Confidential

This report contains confidential information pursuant to the provisions of Section 66(2) of the Local Government Act 2020 under Section 3(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

19. Reopen meeting to members of the public

Councillor Rohan Webb/Councillor Mark Holcombe:

THAT COUNCIL reopen the meeting to the public and resume transmission and this resolution be made public.

CARRIED

Council re-opened the meeting at 7.02 pm.

20. Close of meeting

The Council Meeting Agenda 19 September 2023 was closed at 7.04 pm.

CONFIRMED this **seventeenth** day of **October 2023**

Mayor