



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 23 APRIL 2019 at 7.01PM**

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| PRESENT | Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor |
| APOLOGIES: | Cr Brian Cunial |
| ABSENT: | Nil. |
| OFFICERS: | Mr. Dennis Hovenden, Chief Executive Officer Ms. Brianna Alcock, Manager Governance and Information Dr. Gillian Kay, Director Community Development Mr. Vishal Gupta, Acting Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Marnie Turner, Communications Officer Public Relations Ms. Vera Roberts, Executive Assistant to Mayor Ms. Tenille Craig, Councillor Support Officer |
| EXTERNAL REPRESENTATIVES: | Ms. Prue Digby, Municipal Monitor |

COUNCILLOR STATEMENT

Councillor Mayer made the following statement:

"All members of this Council pledge to the City of Frankston community to consider every item listed on this evening's agenda:

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue."

Cr McCormack & Cr Aitken entered at 7.02 pm

Chairperson's initials

PRAYER

At the request of the Mayor, Councillor Toms read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Hampton acknowledged the Boon Wurrung and Bunurong peoples – the traditional custodians of the land on which we stand and recognised all Aboriginal and Torres Strait Islander peoples who have given to Australia’s identity – from the past, into the present and for the future.

Chairperson’s initials



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1. PRESENTATION TO COMMUNITY GROUPS

1.1 Presentation from Victoria State Emergency Service (VicSES)

John Chaplain, Regional Manager for Emergency Management (VicSES) and Matthew Taranto, Operations Officer for Emergency Management (VicSES) presented to Council a Certificate of Audit. This certifies that the Municipal Emergency Management Plan has been audited in accordance with the guidelines issued by the Minister and assess "Complying with the Guidelines".

Certificate from Leukaemia Foundation

The Mayor presented to the Gallery a certificate received from Leukaemia Foundation to Frankston City Council staff for their fundraising efforts in March 2019. The staff raised \$170.50.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM4 held on 1 April 2019.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the minutes of the Ordinary Meeting No. OM4 held on 1 April 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP1 held on 8 April 2019.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the minutes of the Special Meeting No. SP1 held on 8 April 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Council Decision

Moved: Councillor Hampton

Seconded: Councillor O'Connor

That the apology be received and Councillor Cunial be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Steve Toms declared an interest in Item C.4: Design Advisory Committee – Recommended Appointments as he is known to one of the applicants. Cr Steve Toms will remain in the Chamber during discussion and voting.

5. PUBLIC QUESTION TIME

No public questions were submitted questions to Council.

6. HEARING OF PUBLIC SUBMISSIONS

Ms. Ginevra Hosking passed on her public submission place to Matthew Baxter.

Mr. Matthew Baxter made a submission to Council regarding Item 11.1: Draft Green Wedge Management Plan 2019;

Mr Chris De Silva made a submission to Council regarding Item 11.1: Draft Green Wedge Management Plan 2019;

Mr Josh Maitland made a submission to Council regarding Item 11.1: Draft Green Wedge Management Plan 2019;

Mr Brendan Hatswell made a submission to Council regarding Item 11.1: Draft Green Wedge Management Plan 2019;

Ms Pat Bentley made a submission to Council regarding Item 11.1: Draft Green Wedge Management Plan 2019;

Ms Amanda Tipping made a submission to Council regarding Item 14.2: 2019/NOM8 – Local Law to regulate Short Stay Rental Accommodation;

Mr Alex Fitzgerald passed on his public submission place to Adam Liddiard.

Mr Adam Liddiard made a submission to Council regarding Item 14.2: 2019/NOM8 – Local Law to regulate Short Stay Rental Accommodation;

At the request of the next speaker, recording and live streaming video of the meeting was muted during his submission at 7.36 pm

Mr Vladas Petrusis made a submission to Council regarding Item 14.2: 2019/NOM8 – Local Law to regulate Short Stay Rental Accommodation;

Councillor Mayer left the chamber at 7:40 pm.

The recording and live streaming video and audio recommenced at 7.42 pm.

Mr Rob Thurley made a submission to Council regarding Item 14.2: 2019/NOM10 – Boat Moorings at Kananook Creek;

Councillor Mayer returned to the chamber at 7:45 pm

Councillor Bolam left the chamber at 7:51 pm.

7. ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor Aitken

Seconded: Councillor McCormack

That Items below be brought forward:

- Item 11.1: Draft Green Wedge Management Plan 2019
- Item 11.2: Town planning application 484/2018/P - 48 Norman Avenue Frankston South - To use the land for sell and consumption of liquor (restaurant and cafe licence) and reduction in the car parking requirement of Clause 52.06 of the Frankston Planning Scheme.
- Item 14.2: 2019/NOM8 - Local Law to regulate Short Stay Rental Accommodation
- Item 14.5: 2019/NOM11 - Container Deposit Scheme (CDS)

Carried Unanimously

ITEMS BROUGHT FORWARD**11.1 Draft Green Wedge Management Plan 2019***(MP Community Development)*

Councillor Bolam returned to the chamber at 7:54 pm.

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Toms**

That Council:

1. Notes the findings and recommendations of the draft Green Wedge Management Plan 2019.
2. Releases the draft Green Wedge Management Plan 2019 for public exhibition and comment for a duration of 6 weeks.
3. Requests a report back to Council on the outcomes of the consultation.

Carried**On the casting vote of the Mayor**

For the Motion: Crs Hampton, Mayer, O'Reilly and Toms

Against the Motion: Crs Aitken, Bolam, McCormack and O'Connor

11.2 Town planning application 484/2018/P - 48 Norman Avenue Frankston South - To use the land for sell and consumption of liquor (restaurant and cafe licence) and reduction in the car parking requirement of Clause 52.06 of the Frankston Planning Scheme.

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Refusal in respect to Planning Permit Application number 484/2018/P to use the land for sale and consumption of liquor (Restaurant and Cafe Licence) and reduction in the car parking requirement of Clause 52.06 of the Frankston Planning Scheme on the following grounds;

1. The proposal is inconsistent with the objectives of the State and Local Planning Policy Framework of the Frankston Planning Scheme.
2. The proposal is inconsistent with the purposes of Clause 52.06 of the Frankston Planning Scheme in that it does not ensure provision of an appropriate number of car parking spaces having regard to demand likely to be generated, and does not ensure that the parking of vehicles associated with the use will not adversely affect the amenity of the locality.
3. The proposed parking reduction is not supported by suitable evidence of alternative parking availability, and is dependent upon on street parking in residential zones in the locality of the land that are intended for residential use.
4. The proposal would have an unreasonable, detrimental effect on the amenity of nearby residential properties by way of noise generation, traffic and parking impacts, and patron behaviour.

Deferral Motion to another Council Meeting

Moved: Councillor Toms

Seconded: Councillor Mayer

That the matter be deferred to the next Ordinary Meeting.

Carried Unanimously

14.2 2019/NOM8 - Local Law to regulate Short Stay Rental Accommodation

(TC Chief Executive Office)

Councillor Notice of Motion

1. That Frankston Council develops and implements a Local Law to provide clear guidelines on the required standards for the operation of Short Stay Rental Accommodation within the municipality.
2. That the objectives of the Local Law, replicate those of the Mornington Peninsula Shire Council, namely:
 - a) Regulate and control the use of Short Stay Rental Accommodation within the municipality of Frankston;
 - b) Ensure an appropriate standard of management and presentation of such accommodation;
 - c) Minimise the risk of such accommodation affecting neighbouring properties and the peace of neighbours;
 - d) Implement a registration requirement; and
 - e) Provide for a Code of Conduct under the Local Law.

Under Governance Local Law, Clause 33(11),
Cr McCormack sought leave to amend the Notice of Motion

Council Decision**Moved: Councillor McCormack****Seconded: Councillor Toms**

1. That Frankston Council develops and implements a Local Law to provide clear guidelines on the required standards for the operation of Short Stay Rental Accommodation within the municipality.
2. That the objectives of the Local Law, replicate those of the Mornington Peninsula Shire Council, namely:
 - a) Regulate and control the use of Short Stay Rental Accommodation within the municipality of Frankston;
 - b) Ensure an appropriate standard of management and presentation of such accommodation;
 - c) Minimise the risk of such accommodation affecting neighbouring properties and the peace of neighbours;
 - d) Implement a registration requirement; and
 - e) Provide for a Code of Conduct under the Local Law.
3. The local law be implemented by December 2019.

Extension of Time**Moved: Councillor Toms****Seconded: Councillor McCormack**

That Cr Aitken be granted an extension of time.

Carried Unanimously

**The motion was then Put
and Carried Unanimously**

Deferral Motion to another Council Meeting**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Toms**

That the Notice of Motions Item 14.3: 2019/NOM9 – Car Parking in Frankston Metropolitan Activity Centre (FMAC) and Item 14.4: 2019/NOM10 - 10 - Boat Moorings at Kananook Creek be deferred to the 13 May 2019.

Carried Unanimously

14.5 2019/NOM11 - Container Deposit Scheme (CDS)

(TC Chief Executive Office)

Council Decision**Moved: Councillor Toms****Seconded: Councillor Hampton**

That Council based on its previous support for the introduction of a Container Deposit Scheme within Victoria:

1. Write to the Minister for the Environment, the Hon. Lily D'Ambrosio MP, seeking an urgent update on what efforts have been undertaken by the Victorian State Government to have legislation introduced to mandate a Container Deposit Scheme within Victoria.
2. Write to all Victorian Local Government Councils seeking their support to advocate to the Victorian State Government for the introduction of a Container Deposit Scheme within Victoria through the passing of appropriate legislation.
3. Write to the MAV suggesting that they give consideration to the commencement of an advocacy campaign that would seek the introduction of a mandatory Container Deposit Scheme within Victoria with such a campaign to be funded from voluntary contributions from Victorian Councils with Frankston City Council pledging \$2000.00.
4. Write to all State Members of Parliament within the Frankston Municipality requesting that they support and advocate for the introduction of a mandatory Container Deposit Scheme within Victoria as a matter of urgency.

Carried Unanimously

8. PRESENTATIONS / AWARDS**8.1 Certificate of fundraising efforts from the Leukaemia Foundation**

This certificate was presented during Item 1 of this meeting.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS**Block Resolution****Council Decision****Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That the following items be blocked resolved and that the recommendations in each item be adopted:

- 11.3 March 2019 Planning and Environment Progress Report
- 12.2 Proposed discontinuance of part of Plowman Place, Frankston
- 12.3 Appointment and Authorisation of Council Staff
- 12.4 Notice of Motion Status Update

Carried Unanimously

11.3 March 2019 Planning and Environment Progress Report

(MP Community Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Council receives and notes the March 2019 Planning and Environment Progress Report.

Carried Unanimously

Note: Refer to Page 11 of the Minutes where this item was block resolved.

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Reconciliation Action Plan - Proposed Governance Structure**

(RM Community Development)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council:

1. Notes the proposed governance structure to oversee the development and implementation of Council's Reconciliation Action Plan (see Attachment A), and the draft Terms of Reference for the Reconciliation Advisory Committee (see Attachment B);
2. Endorses the proposed governance structure; and
3. Nominates Councillor McCormack for appointment to the Reconciliation Advisory Committee and a substitute delegate being the Mayor, Cr Michael O'Reilly.

Carried Unanimously

12.2 Proposed discontinuance of part of Plowman Place, Frankston

(BA Corporate Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That:

1. In the proposed exercise of powers, duties and functions conferred by sections 206, Schedule 10, clause 3, 207A(a) and 223 of the *Local Government Act 1989 (Act)*, Council approves the commencement of the statutory process to consider whether or not to discontinue that section of Plowman Place, Frankston, as shown in the attached survey plan (*road*) and to transfer the land to the Crown for consolidation with the adjoining Frankston Park Reserve.
2. Public notice is to be given in the Frankston Leader and on the Council's website inviting written submissions in relation to the proposed discontinuance and transfer, in accordance with section 223 of the Act.
3. Separate written notice is to be given to the Department of Environment, Land, Water and Planning and the owners and occupiers of the land abutting or immediately adjacent to the road, giving a description of the proposal and also inviting written submissions.

Carried Unanimously

Note: Refer to Page 11 of the Minutes where this item was block resolved.

12.3 Appointment and Authorisation of Council Staff

(BA Corporate Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* (Act), Council appoints the officers listed in the Instrument of Appointment and Authorisations.
2. The Instrument of Appointment and Authorisation be signed and sealed.

Carried Unanimously

Note: Refer to Page 11 of the Minutes where this item was block resolved.

12.4 Notice of Motion Status Update

(DH Chief Executive Office)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Council:

1. Receives the Notices of Motion Report as at 23 April 2019.
2. Notes that there are no Notices of Motion that have been reported as being complete.
3. Notes that since 19 March 2019, 21 resolutions have been completed as detailed in the body of the report.
4. Notes that the reports listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
 - Response to 2018/NOM47 – Environmentally Sustainable Design (ESD) Rating System
 - Response to 2018/NOM69 – White Street Mall Revitalisation
 - Belvedere Park Facility
 - Response to NOM1389 – Ballam Park Precinct Improvements - Update

Carried Unanimously

Note: Refer to Page 11 of the Minutes where this item was block resolved.

13. RESPONSE TO NOTICES OF MOTION

Nil

Chairperson's initials



14. NOTICES OF MOTION**14.1 2019/NOM7 - At-call Hard Rubbish Collection**

(TC Chief Executive Office)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Toms**

That the CEO prepares a report to Council by June 2019 to look at and evaluate the cost and feasibility to offering two free at-call hard rubbish collections per year as an alternative to once a year collection.

Carried Unanimously

14.3 2019/NOM9 - Car parking in Frankston Metropolitan Activity Centre (FMAC)

(TC Chief Executive Office)

Councillor Recommendation

That Council:

- Requests a report to come back to Council at the 1 July 2019 Ordinary Meeting on the proposed establishment of a Frankston City Council Working Group for the purpose of preparing independent recommendations for the consideration of Council to improve Frankston City Centre's present car parking pricing, supply and management, and benefit Frankston's CBD for its future parking needs in 2035. The working group should include two Councillors, two Council officers, three representatives of the Committee for Greater Frankston, and a representative from each of the following groups/organisations Frankston City traders, Chisholm, PARC, and Monash University;
- Provides in this report recommendations on suitable funding sources in order to secure funding required to enable the working group to properly perform its task, which should include:
 - An update on the Frankston Metropolitan Activity Centre 2016 car parking usage study Part A (including private spaces);
 - An expanded car parking supply-demand model across the FMAC;
 - Accurate forecast growth rates in demand for car-parking over the next decade;
 - User needs analysis including price sensitivity, substitution options and market competition;
 - Expert advice best practise solutions and case studies; and
 - Expert advice on car parking management technologies that would assist the better management of existing car parking now and into the future.

Note: Refer to Page 8 of the Minutes where this item was deferred.

14.4 2019/NOM10 - Boat Moorings at Kananook Creek

(PC Community Assets)

Councillor Recommendation

Officers to investigate and prepare an updated report for consideration by Council on the benefits of reintroducing permanent boat mooring facilities along Kananook Creek, Frankston, between its mouth and Wells Street, with particular attention to the economic, social, recreational and health benefits associated with activation of the Kananook Creek and the Kananook Creek Boulevard.

Note: Refer to Page 8 of the Minutes where this item was deferred.

15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Urgent Business

Council Decision

Moved: Councillor O'Reilly

Seconded: Councillor Hampton

That the matter of preparing a Letter Under Seal be accepted as urgent business.

Carried Unanimously

Urgent Business

Council Decision

Moved: Councillor O'Reilly

Seconded: Councillor Hampton

That a Letter Under Seal be presented to Alexia Loizou, winner of the Women's 2019 Stawell Easter Gift at the next Ordinary Meeting..

Carried Unanimously

17. CONFIDENTIAL ITEMS

Recommendation

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

C.1 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link

Agenda Item C.1 Response to NOM1377 - McClelland Gallery Interconnectedness and Peninsula Link is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Strategic Risk Management - Mid Year Report

Agenda Item C.2 Strategic Risk Management - Mid Year Report is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Response to Notice of Motion 2018/51 - Prospective Land Acquisitions

Agenda Item C.3 Response to Notice of Motion 2018/51 - Prospective Land Acquisitions is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.4 Design Advisory Committee - Recommended Appointments

Agenda Item C.4 Design Advisory Committee - Recommended Appointments is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 Standing Grants Program 2019-2020

Agenda Item C.5 Standing Grants Program 2019-2020 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.6 Award of Contract 2018/19 - 53 Station Street Mall Improvement Works

Agenda Item C.6 Award of Contract 2018/19 - 53 Station Street Mall Improvement Works is designated confidential as it relates to contractual matters (s89 2d)

C.7 Award of Contract 2018/19 - 74 Skye Recreation Reserve - Change Rooms Extension

Agenda Item C.7 Award of Contract 2018/19 - 74 Skye Recreation Reserve - Change Rooms Extension is designated confidential as it relates to contractual matters (s89 2d)

C.8 Confidential Personnel Matters

Agenda Item C.8 Confidential Personnel Matters is designated confidential as it relates to personnel matters and contractual matters (s89 2a & S89 2d):

.....
Signed by the CEO

Chairperson's initials 

The meeting was closed to the public at 8.28 pm

CONFIRMED THIS

DAY OF

2019

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Michael O'Reilly, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Tuesday, 23 April 2019, confirmed on Monday, 13 May 2019.

.....
(Cr. Michael O'Reilly, Chairperson – Council Meeting)

Dated this

day of

2019