



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE FRANKSTON ARTS CENTRE, DAVEY STREET, FRANKSTON
ON 29 MARCH 2021 at 7.02PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Nathan Conroy Cr. David Asker Cr. Sue Baker Cr. Claire Harvey Cr. Brad Hill Cr. Liam Hughes Cr. Steven Hughes Cr. Suzette Tayler
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture Ms. Brianna Alcock, Manager Governance and Information Ms. Michelle Tipton, Coordinator Governance Ms. Chantelle Hepworth, Governance Team Leader Ms. Tenille Craig, Councillor Support Officer Mr. Chris Tatman, Communications Project Lead Mr. Lucas Dawe, Systems Support Officer Mr. Glenn Parry, Supervising Technician Mr. Jeremy O'Rourke, Supervising Technician Mr. Damian Clarkson, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

Councillor Conroy 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.*

Chairperson’s initials

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.”

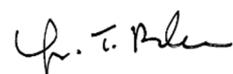
PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Conroy 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 to Warwick Smith**

Cr Liam Hughes presented a Certificate of Appreciation to Warwick Smith for his contribution to the city of Frankston.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM4 held on 9 March 2021.

Council Decision

Moved: Councillor Hill

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM4 held on 9 March 2021 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be provided in the Minutes of the next Council Meeting.

6. HEARING OF PUBLIC SUBMISSIONS

Ms Ginevra Hosking made a submission to Council regarding Item 11.1 Draft Industrial Land Strategy Review, November 2019 – Report on the outcomes of the public exhibition and future steps;

Mr Peter Anscombe made a submission to Council regarding Item 11.1 Draft Industrial Land Strategy Review, November 2019 – Report on the outcomes of the public exhibition and future steps; and

Ms Denise Woolerton and Mr Malcolm Cameron made a submission to Council regarding to Item 12.13 Finalisation of Statutory Procedure – Discontinuance and Transfer of Land – 145-147 Frankston-Flinders Road Frankston (Towerhill Shopping Complex).

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Conroy**

That Items listed below be brought forward:

- 11.1: Draft Industrial Land Strategy Review, November 2019 - Report on the outcomes of the public exhibition and future steps
- 12.13: Finalisation of Statutory Procedure - Discontinuance and Transfer of Land - 145-147 Frankston-Flinders Road Frankston (Towerhill Shopping Complex)

Carried Unanimously**Block Motion****Council Decision****Moved: Councillor Conroy****Seconded: Councillor Tayler**

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

- 11.2: Statutory Planning Progress Report - February 2021
- 12.1: Council Resolution Status Update for 29 March 2021
- 12.2: Update on Coronavirus (COVID-19) - 29 March 2021
- 12.3: External Committee Minutes for the Executive Management Team
- 12.4: Minutes of the Frankston Arts Board - February 2021
- 12.5: Outcomes of the Audit & Risk Committee Meeting - 19 February 2021
- 12.10: Appointment and Authorisation of Council Staff

Carried Unanimously**8. PRESENTATIONS / AWARDS****8.1 Presentation to outgoing staff member - Coordinator Governance Michelle Tipton**

Mr Phil Cantillon, Chief Executive Officer and the Mayor, Cr Kris Bolam presented Ms Michelle Tipton with a Letter of Appreciation in recognition for services provided to Frankston City Council.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Draft Industrial Land Strategy Review, November 2019 - Report on the outcomes of the public exhibition and future steps**

(SB Communities)

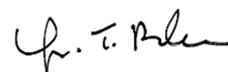
Council Decision**Moved: Councillor Conroy****Seconded: Councillor Hill**

That Council:

1. Notes the submissions to the Draft Industrial Land Use Strategy Review, November 2019;
2. Supports the development of an Industrial Land Use Strategy that builds on the findings of the Industrial Land Strategy Review 2019 and feedback on submissions received; and
3. Commits \$100K funds in the 2021/22 budget to progress further strategic work and develop an Industrial Strategy in next financial year, including a comprehensive Communications and Engagement Plan as part of the project.

Carried Unanimously

Chairperson's initials



11.2 Statutory Planning Progress Report - February 2021

(SC Communities)

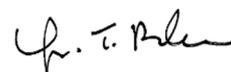
Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council receives the Statutory Planning Progress Report for the month of February 2021.

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 29 March 2021**

(BA Chief Financial Office)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

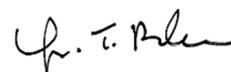
That Council:

1. Receives the Notices of Motion Report for 29 March 2021;
2. Receives the Urgent Business Status Update for 29 March 2021;
3. Notes there are no Notices of Motion that have been reported as being complete;
4. Notes there are no reports that will be delayed in its presentation back to Council; and
5. Notes, since the Council Meeting held on 9 March 2021, 33 resolutions have been completed, as listed in the body of the report.

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12.2 Update on Coronavirus (COVID-19) - 29 March 2021

(PC Chief Executive Office)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council:

1. Notes this report which outlines its response to the impacts of the Coronavirus (COVID-19); and
2. Notes an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.3 External Committee Minutes for the Executive Management Team

(BA Chief Financial Office)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

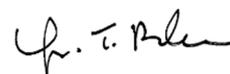
That Council receives the Minutes of the following external committees:

- Municipal Emergency Management Planning Committee – 8 December 2020;
- RAD-FMP Steering Committee – 8 December 2020; and
- Frankston-Mornington Peninsula Local Learning and Employment Network - 25 February 2021.

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12.4 Minutes of the Frankston Arts Board - February 2021

(AM Communities)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee (FAAC) meeting of 23 February 2021;
2. Notes there are three Frankston Arts Advisory Committee vacant positions, and two signature event advisory positions, which will be filled by May 2021;
3. Notes Council has asked a FAAC representative to join the Tourism Committee. Mr Spencer Roy has agreed in principle to join the Council Tourism Committee;
4. Notes, as requested, the public art spreadsheet from 1 June 2020 Council Meeting has been circulated to Council via the FAAC minutes.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.5 Outcomes of the Audit & Risk Committee Meeting - 19 February 2021

(SW Chief Financial Office)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 19 February 2021; and
2. Resolves the attachment remains confidential indefinitely as it contains details of existing audits and other information and would, if prematurely released, impact the status of the audits and release information that is considered confidential.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.6 Policies and Planning Progress Report*(SB Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council receives the Policy and Planning Progress Report for the month of February 2021.

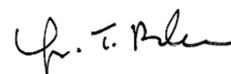
Councillor Liam Hughes left the meeting at 8:15 pm.

Carried Unanimously

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Steven Hughes and Tayler

Absent: Cr Liam Hughes was not present at the time of voting

Chairperson's initials



12.7 Review of Dog Free Roam Sites & Animal Regulations*(LR Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Tayler**

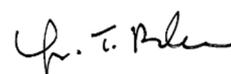
That Council:

1. Notes the Domestic Animal Management Plan adopted August 2020 sought to undertake further engagement on the existing Council Orders relating to:
 - Cat curfew – dusk to dawn
 - No dogs off lead on beaches
 - No dogs within the Central Activities District of Frankston;
2. Approves the development of a community consultation plan and commencement of the engagement to maximise opportunities for community feedback in May and June 2021. Options on how to provide feedback both on line and in writing will be widely communicated as part of the engagement; and
3. Notes a report will be presented to Council at the July 2021 Council meeting to consider the results of the community consultation and in particular consider the feedback in relation to:
 - A cat curfew 24/7
 - A dog off lead beach
 - Dogs on lead within the Central Activities District.

Councillor Liam Hughes returned to the meeting at 8:18 pm.

Carried Unanimously

Chairperson's initials



12.8 Sexual Harassment Policy & Procedure

(FB Business Innovation and Culture)

Recommendation (Director Business Innovation and Culture)

That Council:

1. Notes the Sexual Harassment Policy (Policy) and Procedure was publicly exhibited for a period of six weeks and no submissions were received; and
2. Adopts the Policy.

Council Decision

Moved: Councillor Baker

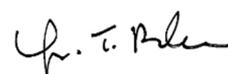
Seconded: Councillor Hill

That Council:

1. Notes the Sexual Harassment Policy (Policy) and Procedure was publicly exhibited for a period of six weeks and no submissions were received.
2. Adopts the Policy; and
3. Notes the actions taken so far in response to the VAGO audit including:
 - a. Mandatory training on sexual harassment for all staff and Councillors;
 - b. Face to face training for managers and coordinators on responding to Sexual Harassment complaints from staff and clients;
 - c. Introduction on an external anonymous reporting service, Stoptime, to enable anonymous reporting of sexual harassment.
 - d. A centralised register to capture complaints, actions taken and resolution.
 - e. Future staff surveys asking the question of sexual harassment experience
 - f. Reporting to Council via the CEO Quarterly Report on wider organisational performance against the Policy and commitments made in response to the VAGO audit.
4. Receives a report back by June 2021 on the cost and benefits of achieving White Ribbon Status.

Carried Unanimously

Chairperson's initials



12.9 Draft Positive Ageing Action Plan 2021-2025*(PC Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Conroy**

That Council:

1. Notes the draft Positive Ageing Action Plan 2021-2025 (Action Plan);
2. Endorses the Action Plan to be publicly exhibited for a period of 4 weeks commencing 31 March 2021 and closing 28 April 2021;
3. Seeks a report back no later than June 2021, to consider for adoption the Action Plan, taking into account any submissions received.

Carried Unanimously

12.10 Appointment and Authorisation of Council Staff

(BA Chief Financial Office)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* and s313 Local Government Act 2020 (Act), Council appoints the officers listed in the Instrument of Appointment and Authorisations; and
2. Authorises for the Instrument of Appointment and Authorisation to be signed and sealed.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

12.11 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd

(KJ Chief Financial Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Hill**

That Council:

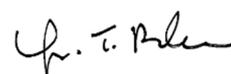
1. Acknowledges the contribution of Mr David Fraser and Mr Tom Mollenkopf during their tenure as Interim Non-Executive Directors to the Board of Peninsula Leisure Pty Ltd (PL) since 1 November 2020;
2. Appoints Mr David Fraser as a Non-Executive Director of Peninsula Pty Ltd for a period of two years, with the appointment expiring on 30 April 2023;
3. Appoints Mr Tom Mollenkopf as a Non-Executive Director of Peninsula Pty Ltd for a period of two years, with the appointment expiring on 30 April 2023.
4. Authorises a media release announcing the appointments of the two successful Board members.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

Chairperson's initials



12.12 MAV State Council Motions for 21 May 2021 State Council Meeting

(BA Chief Financial Office)

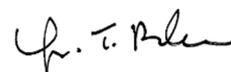
Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council adopts the seven (7) proposed Municipal Association of Victoria (MAV) State Council Motions for the May State Council Meeting and that the motions be forwarded to the MAV prior to the deadline date:

- National parks and miscellaneous land native vegetation offset plan;
- Boat Licences;
- Lifesaving Club & Coastguard Funding;
- Establishment of a National Integrity Commission;
- State Government Levies
- Skid Racing; and
- Street Light Upgrades

Carried Unanimously

Chairperson's initials



12.13 Finalisation of Statutory Procedure - Discontinuance and Transfer of Land - 145-147 Frankston-Flinders Road Frankston (Towerhill Shopping Complex)

(BA Chief Financial Office)

Council Decision**Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council, in the exercise of powers, duties and functions conferred by sections 207A, 223 and Schedule 10 clause 3 of the Local Government Act 1989 and having considered the submission received in response to public notice of the proposal:

1. Resolves to proceed with the discontinuance of the roads within the Towerhill Shopping Complex at 145-147 Frankston Flinders Road, Frankston as shown hatched on the discontinuance plan, for the following reasons:
 - A. Council has previously determined that the roads are no longer reasonably required for public use and removed the roads from the Public Road Register;
 - B. The discontinuance will remove the "road" status from land which is already in private ownership by the owners of the Towerhill Shopping Complex;
 - C. Access to the Towerhill Shopping Complex will not be affected by the discontinuance;
 - D. None of the matters raised in the submission would constitute sufficient reason to abandon the proposed discontinuance.
2. Authorises the Chief Executive Officer to give notice in the Victoria Government Gazette of the discontinuance and transfer of the former roads.
3. Notes that the submitter will be advised in writing of Council's decision, and the reasons for the decision, as required by section 223.
4. Authorises the Chief Executive Officer to cause the discontinued roads to be transferred to the owners of the Towerhill Shopping Complex for \$1 per land title, and authorises the transfer of land documents to be signed and sealed, noting that the owners of the Towerhill Shopping Complex have already paid fair market value consideration for the land comprising the former roads.

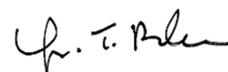
Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Cr Steven Hughes

Abstained: Cr Liam Hughes

Chairperson's initials



12.14 Councillor Years of Service to Local Government

(BA Chief Financial Office)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Harvey**

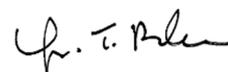
That Council:

1. Awards a Certificate under Seal to Cr Suzette Tayler, who has served as Councillor for 10 years;
2. Presents the Certificate under Seal at the next Council Meeting, to be held on 19 April 2021; and
3. Notes the application for the MAV Councillor Service Awards will be prepared for the scheduled October 2021 MAV State Council.

Carried Unanimously

The Mayor invited Councillors to say a few words about Cr Suzette Tayler's years of service

Chairperson's initials



12.15 Response to Petition - Yarrum Court Work Bench

(LR Communities)

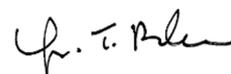
Council Decision**Moved: Councillor Steven Hughes****Seconded: Councillor Baker**

That Council:

1. Notes Officers have made an assessment of the Work Bench petition and spoken with residents to consider the benefits and risk of the initiative; and
2. Supports issuing an annual renewal of the permit under the Local Law, which will trigger a review of the permit conditions.

Carried Unanimously

Chairperson's initials



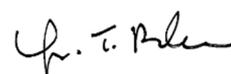
12.16 Award of Contract No. CN 10507 - Monterey Reserve Pavilion Redevelopment
(MS Infrastructure and Operations)**Council Decision****Moved: Councillor Baker****Seconded: Councillor Hill**

That Council:

1. Awards Contract No. CN 10507 – Monterey Reserve Pavilion Redevelopment to Dura Constructions Pty Ltd (ABN 79 101 165 842) for \$2,854,280.00 GST exclusive;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B to this report be retained confidential, pursuant to section 77 of the Local Government Act 1989, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the Local Government Act 2020.

Carried Unanimously

Chairperson's initials



13. RESPONSE TO NOTICES OF MOTION**13.1 Response to 2019/NOM37 - Draft Overport Park Masterplan - Public Exhibition**
*(TB Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Notes three (3) rounds of consultation has been undertaken to develop the final Overport Park Masterplan;
2. Notes that the Draft Overport Park Masterplan was publicly exhibited for a period of eight (8) weeks, with 31 written submissions received;
3. Adopts the revised draft Overport Park Masterplan for implementation; and
4. Notes that officers will notify submitters of its decision accordingly.

Carried Unanimously

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS**Urgent Business****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Tayler**

That the matter of Advocacy in Canberra be accepted as urgent business.

Carried Unanimously**Urgent Business – Advocacy in Canberra****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Tayler**

That Council:

1. Nominates the Chief Executive Officer, the Mayor and Council's Advocacy and Engagement Coordinator to meet with relevant Federal MPs and Senators at Canberra in May 2021, to discuss its advocacy priorities;
2. Notes the expenditure for the Chief Executive Officer, the Mayor and Council's Advocacy and Engagement Coordinator is estimated to total \$2,500, which is to be funded within existing budget;
3. Notes the Mayor will no longer be attending the NGA Conference in June 2021 and that Cr Suzette Tayler and Cr Nathan Conroy will be attending as Council's representatives; and
4. Notes a report back on the outcomes of the Canberra Trip will be presented for consideration at its meeting in June 2021.

Carried Unanimously

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hill****Seconded: Councillor Asker**

This document and all relevant attachments have been designated by me, the Chief Executive Officer, as confidential information under Section 3(1) of the Local Government Act 2020:

C.1 McClelland Gallery

This document and all relevant attachments have been designated by me, the Chief Executive Officer, as confidential information under Section 3(1) of the Local Government Act 2020:

- on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking; and
- these grounds apply because the information details the financial sustainability of McClelland Gallery and would, if prematurely released, impact the relationship between Council and McClelland Gallery.

- **Carried Unanimously**

.....
Signed by the CEO

The meeting was closed to the public at 9.19 pm

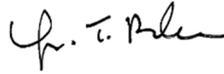
CONFIRMED THIS

20th

DAY OF

April

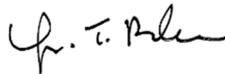
2021



.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Kris Bolam, 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 Monday 29 March 2021, confirmed on Monday 19 April 2021.



.....
(Cr. Kris Bolam, Chairperson – Council Meeting)

Dated this

20th

day of

April

2021

Chairperson's initials

