



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 5 SEPTEMBER 2022 at 7.00PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Suzette Tayler (Deputy Mayor) Cr. Kris Bolam Cr. David Asker Cr. Sue Baker Cr. Claire Harvey Cr. Brad Hill Cr. Steven Hughes
APOLOGIES:	Cr. Liam Hughes
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Director Corporate and Commercial Services Ms. Angela Hughes, Director Communities (via Zoom) Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance and Information Ms. Tammy Beauchamp, Manager Safer Communities (via Zoom) Mr. Jarred Stevens, Coordinator Compliance and Safety (via Zoom) Ms. Tenille Craig, Team Leader Governance Ms. Rebecca Swann, Councillor Support Officer Mr. Ric Rais, Systems Support Officer Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Technician
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Tayler 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."

Chairperson's initials

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Tayler acknowledged the Bunurong People of the Kulin Nation – the Traditional Custodians of the land on which we stand, and paid respect to Elders past, present and future. Respect was also extended to Elders of other communities who may have been present.

Chairperson's initials

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM12 held on 15 August 2022.

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM12 held on 15 August 2022 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

The Mayor acknowledged an apology from Cr Liam Hughes.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. HEARING OF PUBLIC SUBMISSIONS

Nil

7. ITEMS BROUGHT FORWARD

Nil

Block Motion**Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That the following Items be blocked resolved:

- 11.1: Statutory Planning Progress Report - July 2022
- 12.2: Adoption of amendments to Governance Rules
- 12.4: Emergency Management Obligations - Council/stakeholder and community expectations
- 12.5: Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise
- 12.6: Proposed Replacement of Public Open Space for approved Council land disposals (Part of 331R Cranbourne Road Frankston and Lathams Road Carrum Downs)
- 12.7: Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)
- 12.8: Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal
- 12.9: Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment
- 12.10: Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

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10. DELEGATES' REPORTS**10.1 Delegate's Report - Completion of Professional Development - Australian Institute of Company Directors Course***(TC Corporate and Commercial Services)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council receives this delegate report from Councillors Claire Harvey, Sue Baker, Brad Hill and Kris Bolam on their completion of professional development courses in 2022.

Carried Unanimously

11. CONSIDERATION OF CITY PLANNING REPORTS**11.1 Statutory Planning Progress Report - July 2022***(SC Communities)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Receives the Statutory Planning Progress Report for the month of July 2022;
2. Notes the areas of improvement in the delivery of Statutory Planning services over the last 4 years and plans for further service enhancements;
3. Notes the past Council Resolutions relating to Statutory Planning Process Improvements (Attachment C); and
4. Resolves that the Applications of Councillor Interest (Attachment B) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

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12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 5 September 2022***(BA Corporate and Commercial Services)***Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Receives the Notice of Motion Report for 5 September 2022;
2. Receives the Urgent Business Status Update for 5 September 2022;
3. Notes there are no Notice of Motion actions that have been reported as being complete;
4. Notes there is one report that will not be presented to Council:
 - Community Grants
5. Notes, since the Council Meeting held on 15 August 2022, 29 resolutions have been completed, as listed in the body of the report;
6. Notes Deputy Mayor, Cr Suzette Tayler, is stepping down from the Foreshore Advisory Committee and will no longer be appointed as a Councillor Delegate. Cr Brad Hill will remain as a Councillor Delegate on the Committee and there will be no other Councillor delegate nominated to replace the Deputy Mayor at this time; and
7. Resolves for Attachment D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (*Local Government Act 2020, s.3(1)(h)*). These grounds apply because the information concerns updates on resolutions made by Council in meetings closed to the public and would, if prematurely released, impact on Council's ability to properly perform its functions.

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

That Council:

1. Receives the Notice of Motion Report for 5 September 2022;
1. Receives the Urgent Business Status Update for 5 September 2022;
2. Notes there are no Notice of Motion actions that have been reported as being complete;
3. Notes there is one report that will not be presented to Council:
 - Community Grants
 - Response to 2022/NOM8 – Outreach Support Service
4. Notes, since the Council Meeting held on 15 August 2022, 29 resolutions have been completed, as listed in the body of the report;
5. Notes Deputy Mayor, Cr Suzette Tayler, is stepping down from the Foreshore Advisory Committee and will no longer be appointed as a Councillor Delegate. Cr Brad Hill will remain as a Councillor Delegate on the Committee and there will be no other Councillor delegate nominated to replace the Deputy Mayor at this time; and
6. Resolves for Attachment D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (*Local Government Act 2020, s.3(1)(h)*). These grounds apply because the information concerns updates on resolutions made by

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Council in meetings closed to the public and would, if prematurely released, impact on Council's ability to properly perform its functions.

Carried Unanimously

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12.2 Adoption of amendments to Governance Rules*(BA Corporate and Commercial Services)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Notes that recent amendments to the Local Government Act 2020 concerning virtual meetings have made it necessary to amend Council's Governance Rules;
2. Notes that proposed amendments to the Governance Rules were publicly exhibited for a period of 4 weeks, and no submissions were received; and
3. Resolves to adopt the amendments to the Governance Rules.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

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12.3 Community Satisfaction Survey 2022*(CW Corporate and Commercial Services)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Harvey**

That Council:

1. Notes the Local Government Community Satisfaction Survey results for 2022 highlights Frankston City Council lead metro councils with an overall community satisfaction rate of 7.1, compared with a metro average of 6.6;
2. Notes the significant improvement of community satisfaction increasing by 6 per cent this year, on top of record levels of growth last year;
3. Notes that waste services are the leading areas of community satisfaction demonstrating confidence leading into the development of Council's waste circularity plan; and
4. Releases the results to the community, via various social media channels, on the Council's website, in e-news, in the next available issue of the Frankston City News (FCN) and through media releases.

Carried Unanimously

12.4 Emergency Management Obligations - Council/stakeholder and community expectations*(TB Communities)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Notes its legislative responsibilities and operational requirements during and following an emergency;
2. Notes the legislative responsibilities and operational requirements of emergency service agencies during and following an emergency; and
3. Notes Council's community resilience building initiatives in collaboration with emergency service agencies.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.5 Request to transfer remaining bathing-box project funds to the Rotary Club of Frankston Sunrise*(TB Communities)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Endorses the CEO to consider and approve future proposals by the Rotary Club of Frankston Sunrise regarding the use of the bathing box monies; and
2. Authorises the CEO to execute the transfer of \$298,735.40 from the bathing box project to the Sunrise Charitable Foundation as requested by the Rotary Club of Frankston Sunrise subject to:
 - a. Signed acceptance of a Funding Agreement that ensures the monies are used for the betterment of Frankston City as intended and that there is an appropriate reporting process established;
 - b. The constitution of the Sunrise Charitable Foundation having been assessed by Council's Principle Legal Advisor as being adequate to ensure the interests of Council are protected;
 - c. The Rotary Club of Frankston Sunrise and the Sunrise Charitable Foundation are up-to-date and fully compliant with their reporting obligations (as relevant) under the Australian Charities and Not-for-profits Commission.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

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12.6 Proposed Replacement of Public Open Space for approved Council land disposals (Part of 331R Cranbourne Road Frankston and Lathams Road Carrum Downs)

(DW Corporate and Commercial Services)

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

That Council:

1. Supports the inclusion of the land at 5R Overport Road Frankston in the next Tidy Up Planning Scheme Amendment process pursuant to s.20 Part 2 of the *Planning and Environment Act 1987*;
2. Acknowledges the inclusion of 5R Overport Road Frankston is to address the requirement to replace the public open space at 331R Cranbourne Road Frankston and Latham's Road Carrum Downs pursuant to s.20(4) of the *Subdivision Act 1988*, which has been sold to the Department of Transport in association with projects to redevelop Karingal Hub and duplicate Latham's Road; and
3. Receives a future report on the outcome of the Tidy Up Planning Scheme Amendment process, in so far as it relates to 5R Overport Road Frankston, on completion of the statutory procedures.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved

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12.7 Conclusion of statutory leasing procedure - Proposed Lease of Council Land - Existing Telecommunications Facility - 45R Wedge Road Carrum Downs (Carrum Downs Recreation Reserve)

(DW Corporate and Commercial Services)

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

That Council :

1. Having complied with the requirements of section 115 of the *Local Government Act 2020*, notes that no submissions were received in response to public notice of the proposed lease;
2. Resolves to enter into a lease with Amplitel Pty Ltd for Council land at 45R Wedge Road Carrum Downs, being part of Lot 2 Plan of Subdivision Number 737596, for a term of 10 years, with one further term of five (5) years, for the sum of \$25,000 plus GST per annum, for the purposes of a telecommunications facility (existing);
3. Authorises the Chief Executive Officer to finalise arrangements for the lease; and
4. Authorises the lease documents to be signed.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved

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12.8 Award of Contract - CN10851 - Seaford Wetlands Project - Construction of Pedestrian Bridge over Eel Race Canal*(RS Infrastructure and Operations)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Awards Contract CN10851 for the Design & Construct Seaford Wetlands Bridge to Elite Crossings (Vic) Pty Ltd (ACN 156 122 477) for a total lump sum of \$1,290,535.48 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 attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

12.9 Award of Contract - CN10826 - Eric Bell Reserve Pavilion Redevelopment*(VG Infrastructure and Operations)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Awards Contract CN10826 for Eric Bell Reserve Pavilion Redevelopment to Lloyd Group Pty Ltd (ACN: 069 674 479) for a total lump sum of \$7,544,600.00 excl. GST;
2. Notes that the project has received \$6.25M through the Community Infrastructure Loans Scheme (CILS) along with \$500K from the State Government;
3. Notes the impacts of current construction market volatility and rapidly growing cost of construction materials and labour on the overall project costs;
4. Notes that there is an anticipated overall budget shortfall of \$2,069,600.00 to deliver the project and endorses the reprioritisation of the Long Term Infrastructure Plan (LTIP) as required to fund the anticipated project budget shortfall in 2023/24 financial year;
5. Notes current ongoing annual maintenance costs for existing facility is around \$8,000. Upon completion of the new pavilion the maintenance costs will likely increase to an estimated cost of around \$30,000, and as such will require necessary adjustment in 23/24 operating budget for Facilities Management;
6. Authorises the Chief Executive Officer to sign the Contract;
7. Delegates approval of contract variations to the Chief Executive Officer; and
8. Resolves the attachment A, B and C to this report be retained confidential 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 the *Local Government Act 2020 s3(1)(a)*.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

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12.10 Award of Contract - CN10849 - Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade*(RS Infrastructure and Operations)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Baker**

That Council:

1. Awards Contract CN10849 for the Carrum Downs Tennis Courts Reconstruction and Sports Light Upgrade Project to AS Lodge (Vic) Pty Ltd (ACN 007 278 757) for a total lump sum of \$1,213,525.00 exclusive of GST;
2. Notes there is an overall anticipated budget shortfall of \$1,125,000.00 to deliver the project and approves the required budget adjustments to the Capital Works Program for 2022/23 to fund the project shortfall;
3. Notes whilst Council has been successful in securing State Government grant of \$250,000 for this project, the total cost of project has significantly grown due to current construction market volatility and rapidly growing cost of construction materials and labour resulting in the significant shortfall in the available budget;
4. Authorises the Chief Executive Officer to sign the contract;
5. Delegates approval of contract variations to the Chief Executive Officer; and
6. Resolves attachments A and B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved

Chairperson's initials

13. RESPONSE TO NOTICES OF MOTION**13.1 Further response to 2022/NOM2 Kananook Station Precinct: Advocacy Update**
(*FM Customer Innovation and Arts*)**Recommendation (Director Customer Innovation and Arts)**

That Council:

1. Notes the advocacy actions undertaken to date, including correspondence from Council to Victorian Government and local representatives and local media coverage;
2. Notes the engagement with the Frankston Disability Access and Inclusion Committee, encouraging members who have lived experience at Kananook Station to share their feedback with local representatives alongside Council;
3. Notes there has been no response received to date from State Member for Frankston or the State Member for Carrum; and
4. Commits to ongoing advocacy in relation to seeking investment towards accessibility improvements at Kananook Railway Station and receives a report to Council in the future when appropriate.

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

That Council:

1. Notes the advocacy actions undertaken to date, including correspondence from Council to Victorian Government and local representatives and local media coverage;
2. Notes the engagement with the Frankston Disability Access and Inclusion Committee, encouraging members who have lived experience at Kananook Station to share their feedback with local representatives alongside Council;
3. Notes there has been no response received to date from State Member for Frankston or the State Member for Carrum;
4. Commits to ongoing advocacy in relation to seeking investment towards accessibility improvements at Kananook Railway Station and receives an update reported at the October 2022 Council Meeting; and
5. Continues to work with the local State member, Paul Edbrooke MP, for the State Government's commitment towards the evaluation/planning of accessibility improvements and in convening a meeting with the Minister of Transport to advocate for this ahead of the November 2022 State Election. A separate meeting is to be sought with the Shadow Minister for Public Transport and Roads, Steph Ryan MP. Both meetings should also discuss a funding commitment towards concepts developed by Council in relation to the beautification of the Quinn Street entrance (resolved by Council at the May 2022 CM).

Carried Unanimously

Chairperson's initials

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

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17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Tayler**

That the 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 3(1)) of the *Local Government Act 2020* on the following grounds:

C.1 Animal Pound Contract

Agenda Item C.1 Animal Pound Contract is designated confidential (until such time as Council determines it to be released) on the grounds that it contains:

- information that is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- private commercial information, being information provided by a business, commercial or financial undertaking that— (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).

These ground apply because the information concerns matters that are likely to be the subject of future negotiations and would, if prematurely released, compromise the integrity and outcome of those negotiations.

Carried Unanimously

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Signed by the CEO

Chairperson's initials

QUESTION TIME

The following questions were presented at the Council Meeting 2022/CM12 – 15 August 2022. The questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.

Noel Tudball**Question 1**

Re: Permit Application - 396/2021/P - 176-178 Nepean Highway, Seaford

Why has this Permit Application been approved without the opportunity for residents to discuss the objections they lodged with FCC in 2021?

Response by Director of Communities

Surrounding residents, landowners and land occupiers were given the opportunity to make an objection to this application if they wished. This occurred in November last year, when the application was advertised. One hundred and twenty-six (126) objections to the application were received during the advertising period.

The applicant declined the opportunity to have a Submitters Information Session and Council delegations enabled the administration to determine this application, which they have done.

Council officers considered the objection grounds in their assessment and determination of the planning application. There is no requirement under the *Planning and Environment Act 1987* for objections to be heard by the Council.

Question 2

Re: Permit Application - 396/2021/P - 176-178 Nepean Highway, Seaford

Why is it stated in the notice of decision document that objections can only be lodged with the Victorian Civil and Administrative Tribunal (VCAT)?

Response by Director of Communities

Council officers in deciding this application have issued a Notice of Decision to Grant a Planning Permit. A Notice of Decision is an intention to issue a permit. It gives any registered objectors to the application 28 days from the date of issue to lodge an appeal at VCAT to review the decision made, if they wish.

QUESTION TIME	22	05 September 2022 2022/CM13
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The meeting was closed to the public at 7.21 pm

DRAFT
CONFIRMED THIS

DAY OF

2022

.....
CHAIRPERSON

Chairperson's initials

The meeting was closed to the public at 7.21 pm

CONFIRMED THIS

3rd

DAY OF

October

2022

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Nathan Conroy, 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 5 September 2022, confirmed on Monday 3 October 2022.

.....
(Cr. Nathan Conroy, Chairperson – Council Meeting)

Dated this

day of

2022

Chairperson's initials