



Minutes

Council Meeting

27 March 2019

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Baw Baw Shire Council
Council Meeting
27 March 2019
Minutes

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Trafalgar Council Chambers, commencing at 5:30pm on 27 March 2019.

Present

Cr M Power, Cr D Goss, Cr K Cook, Cr J Gauci, Cr P Kostos, Cr M Leaney, Cr J O'Donnell and Cr D Wallace

In Attendance

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Assets
Ms Y Woods	Director Planning and Development
Mr M Hopley	Chief Information Officer
Mr M Kestigian	Manager Communications and Economic Development
Mr P Harris	Manager Governance
Ms N Fildes	Acting Governance Coordinator
Ms C Carney	Acting Executive Assistant to the Chief Executive Officer

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr Power opened the meeting with recognition of the traditional custodians being; I would like to begin by acknowledging the Traditional Owners of the land on which we are meeting, the Gunaikurnai People. I pay my respects to their Elders both past and present, and Elders of other communities who may be here today

2. READING OF AFFIRMATION AND PRAYER

Cr Power read the Councillors affirmation, being, 'We now pause to reflect upon the solemn responsibilities conferred on us by the Parliament of Victoria through the Local Government Act (1989).

We acknowledge that it is the responsibility of local government to ensure the peace, order and good governance of our Shire.

We are to be responsible and accountable to our community here in Baw Baw Shire through good governance and leadership.

Almighty God,

Give wisdom and understanding to the members of this Baw Baw Shire Council.

In all our deliberations help each of us to listen carefully, perceive the best course of action have courage to pursue it and grace to accomplish it.

Amen

3. APOLOGIES

Cr T Jones

Ms A.Lisle Finance Manager
Ms K.Baum Governance Coordinator
Ms D.Foenander Executive Assistant to the Chief Executive Officer

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

RECOMMENDATION
That the minutes of the Ordinary Council Meeting held on 13 March 2019 be confirmed.
COUNCIL MOTION
Moved: Cr D Wallace Seconded: Cr J O'Donnell
CARRIED

6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST

Nil

7. MEETING CLOSED TO THE PUBLIC: RELEASE OF INFORMATION TO THE PUBLIC

7.1 RELEASING OF COUNCIL MOTIONS IN CLOSED TO THE PUBLIC SESSION

Council did not hold a confidential meeting and therefore there is no information to be released to the public:

Nil Reports

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

Nil

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

No Submissions

9. PETITIONS

Nil Reports

10. VIBRANT COMMUNITIES

10.1 NATIONAL DISABILITY INSURANCE SCHEME (NDIS) UPDATE

Manager Community Services

Directorate: Corporate and Community
Services

Ward:

Appendix:

PURPOSE

To provide Council with an update about the National Disability Insurance Scheme (NDIS) transition.

RECOMMENDATION

That Council endorse:

- an end date, 30 September 2019, for the NDIS interim arrangement maintaining HACC PYP client existing services for up to 12 months once they transition to the NDIS or the 30 September 2019, whichever occurs first; and
- extending the NDIS Transition Officer role employment contract to end 1 month following the NDIS interim arrangement end date, 30 October 2019.

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- The National Disability Insurance Scheme (NDIS) is a national program to provide targeted support and better coordination and access to services for people with disabilities. The NDIS replaces the existing supports that people receive. People currently receiving support through the Victorian Government are moving to the NDIS at different times depending on where they live and the type of support they receive.
- It was anticipated to take at least 12 months for eligible people with a disability to enter the NDIS once roll out commenced 1 October 2017, with the view to be fully operational across the State by 1 July 2019. Almost 18 months later there are 10 (5%) clients to test their eligibility and work through the NDIS transition processes.
- Currently supporting another 10% of client to re-test their eligibility for the NDIS or support them to provide further evidence.
- Over 80% of people with an NDIS plan have transitioned to new service providers.

- As at 30 September 2018 Baw Baw Shire Council as part of the Inner Gippsland region is now at 'close out' for the NDIS transition, which also saw the end of the State's 'in-kind' funding period.
- Home and Community Care Program for Younger People (HACC PYP) funding has been adjusted in February 2019 for 2018/19 and 2019/20 financial years based on the NDIS transition numbers at 'close out'. Please note there is also a further loss of revenue with the reduction in client fees / co-payment for services.
- As of January 2019, Council no longer provide disability specific Planned Activity Groups (PAG). These programs have been discontinued.
- Community transport and other volunteer transport programs are not funded by NDIS. Currently 10-15 NDIS participants are continuing to access volunteer transport via HACC PYP funding and Council contribution.
- Disability registration revocation took effect 20 November 2018 – Council's registration as a disability service provider under the *Disability Act 2006* (Vic) (Disability Act), has been revoked.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Salaries and associated on-costs for employment of NDIS transition officer captured within operating budget.
- A temporary loss of revenue (client fee subsidy) from the date when a person's NDIS plan is approved until the end of DHHS extended 'in-kind' period 30/09/18. Financial recompense will be considered and progressed by the State Government when the Inner Gippsland area has been fully phased in.
- Loss of client fee subsidy and HACC PYP funding outside of the DHHS 'in-kind' period is at Council's expense during Council's interim transition period.
- DHHS will continue to fund a portion of support for non-eligible NDIS people.

Environmental Impact

No identifiable environmental issue that the Council, Community, or Organisation should be aware of.

Community Impact

- Existing clients as they become NDIS participants are being supported to transition to alternate service providers.
- Council is facilitating a Disability Expo 21 March 2019 to showcase the disability support services available within the municipality.

CONSULTATION

- The Disability Advisory Committee (DAC) core membership includes community members and service providers. Council's NDIS Transition Project Officer regularly attends the DAC meetings to enable two-way communication ensuring any potential issues are addressed. There has not been an explicit need or service gap raised via the DAC.
- NDIS communication plan being delivered since April 2017.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This NDIS briefing report assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

1.1.1 *Transition aged and disability support services in line with Federal policy direction and funding.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This NDIS update briefing has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

- Legislative role, under *Victorian Disability Act 2006* and the *National Disability Discrimination Act 1992*, to increase accessibility, reduce discrimination and protect human rights of people with a disability.
- *Local Government Act 1989* and revised Local Government Act states the role of a Council is to provide good governance for the benefit and wellbeing of its community.

POLICY IMPACTS

Employee Enterprise Bargaining Agreement – Resource planning

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

10.2 DROUIN CIVIC PARK UPGRADE FUNDING OPTIONS

Coordinator Parks, Gardens and
Sportsfields

Directorate: Community Assets

Ward: West

Appendix:

PURPOSE

To brief Council on the Drouin Civic Park Upgrade Funding Options

RECOMMENDATION

That Council:

1. Apply for \$765,000 of funding towards the Drouin Civic Park Upgrade through the Latrobe Valley Authority Community Facility Fund;
2. Proceed with developing a funding partnership with the Drouin Bendigo Community Bank for a funding amount of up to \$200,000 towards the Drouin Civic Park Upgrade; and
3. Allocate from the Open Space Reserve the balance of funding up to \$453,077 required for the Drouin Civic Park Upgrade.

AMENDED RECOMMENDATION

That Council:

1. Apply for \$765,000 of funding towards the Drouin Civic Park Upgrade through the Latrobe Valley Authority Community Facility Fund;
2. Proceed with developing a funding partnership with the Drouin and District Community Bank for funding towards the Drouin Civic Park Upgrade; and
3. Allocate from the Open Space Reserve the balance of funding up to \$453,077 required for the Drouin Civic Park Upgrade.

Moved: Cr K Cook
Seconded: Cr J O'Donnell

CARRIED

KEY ISSUES

- At its meeting on 10 October 2018 Council resolved to:
 - 1) Endorse the draft design for the Drouin Civic Park Play Place and other projects identified in Council's Drouin Civic Park Master Plan;
 - 2) Allocate \$311,616 of funds from the 2018/19 Capital Works Budget including, \$181,616 from the Annual Playground Renewal Program,

\$80,000 from the Toilet Amenities Renewal and Upgrade Program and \$50,000 from the Off-street Car Parks and Street Parking Rehabilitation program, as seed funding to apply for a grant through the Latrobe Valley Authority (LVA);

- 3) Apply for grant funding through LVA; and
 - 4) Seek other funding opportunities to make up the short fall of \$283,229 required to fund the delivery of the Drouin Civic Park Play Space and other projects, as one major park upgrade project.
- Expression of interest to LVA was made. LVA has encouraged Council to go to full application to an amount of \$765,000
 - Presentation was made to the Drouin Bendigo Community Bank to become a funding partner of the project. The bank has expressed interest that if they were able to have naming rights they would potentially fund the Fitness Park (\$99,500) or contribute \$200,000 towards the Play Space.
 - If there was no funding partnership with the Drouin Bendigo Community Bank the balance of funding required for the project would be up to \$453,077

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Council has currently allocated \$311,616 of funds from the 2018/19 Capital Works Budget including, \$181,616 from the Annual Playground Renewal Program, \$80,000 from the Toilet Amenities Renewal and Upgrade Program and \$50,000 from the Off-street Car Parks and Street Parking Rehabilitation program, as seed funding to apply for a grant through the Latrobe Valley Authority (LVA); and
- At this point in time there is a possible funding short fall of \$453,077 if the Drouin Bendigo Community Bank do not become a funding partner, the balance of funding required would need to be allocated in the 2019/20 budget.

Environmental Impact

This project will have a positive environmental impact with improved landscape plantings in the park that will add amenity, diversity and habitat.

Community Impact

This initiative will positively impact the community and visitors to the Baw Baw Shire by upgrading the infrastructure, amenity and usability of the park. Community consultation on this project has shown there is a strong desire to have the project delivered as soon as possible.

CONSULTATION

Community Consultation has previously been undertaken to develop the proposed plan, through the development of a Master Plan for the park and detailed design of the Play Space.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The Drouin Civic Park Play Space and Master Plan project assists with the achievement of the key strategic objective as set out in the Council Plan 2017 – 2021:

Objective: *Vibrant Communities*

Strategy: *Plan, manage and deliver on the Shire's sport and recreation infrastructure needs through implementation of master plans and developing new plans for growth areas.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Drouin Civic Park Play Space and Master Plan projects has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

All components of the project will be constructed to the relevant Australian Standards.

POLICY IMPACTS

Nil

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

10.3 RECREATION RESERVE MASTER PLAN REVIEWS AND FURTHER COMMUNITY CONSULTATION

Recreation Project Officer

Directorate: Community Assets

Ward: All

Appendix: 7 attachments

PURPOSE

To seek Council support to place the draft recreation master plan reviews on public exhibition and undertake round two consultation.

RECOMMENDATION

That Council:

1. Notes the draft revised masterplans for the Warragul Outdoor Recreation Plan, Drouin Recreation Plan, Trafalgar Recreation Precinct Master Plan, Downton Park Masterplan, Rural Recreation Reserve Masterplans and the Baw Baw Equestrian Centre Masterplan, and
2. Undertakes public consultation via 'Have your Say' for a four-week period, starting 28 March and ending 26 April 2019.

COUNCIL MOTION

Moved: Cr D Wallace

Seconded: Cr K Cook

CARRIED

KEY ISSUES

- The Recreation Strategy 2017-2027 contains the following recommendation "E9 - Review all recreation reserve master plans every four (4) years to update outstanding recommendations and to ensure they are still relevant."
- At the 12 September 2018 Council meeting, Council resolved to commence the process of reviewing the Warragul Outdoor Recreation Plan, Drouin Recreation Plan, Trafalgar Recreation Precinct Master Plan, Downton Park Masterplan, Rural Recreation Reserve Masterplans (stage 1 only including, Athlone, Buln Buln, Ellinbank, Hallora, Jindivick, Neerim South and Rawson) and the Baw Baw Equestrian Centre Masterplan.
- Progress reports were prepared for each master plan providing a summary update, a traffic light system showing the status of each listed project and the percentage of projects in the plan completed.
- The progress reports showed that across all the above plans, \$32,074,306 worth of projects have been delivered, representing 54% of all projects identified since the first plan was adopted in 2008.

- A public 'Have Your Say' consultation process along with a targeted engagement strategy was conducted between the 18 of September 2018 and the 30 November 2018.
- Draft master plans including new reserve maps have now been prepared (refer Attachments 2-7). These documents show the 2014 and current draft maps for each site, discuss the consultation process to date including projects that have not progressed beyond the assessment of merit stage and provide a framework for how the final implementation plans will be presented.
- The adopted engagement plan identified round two consultation would occur in March/April.
- Further concept design work, clarification of participation numbers and cost estimates will be prepared and run in parallel to the round two consultation process. This will enable the priority of projects to be determined utilising the 'Facility Prioritisation Assessment Matrix' from the Recreation Strategy prior to adoption of the reviews in June.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Master plans provide the strategic justification and evidence of consultation required for both Council and community groups to apply for external funding with both the state and federal governments.
- Prior to the consultation process, outstanding recreation reserve master plan projects totalled over \$27 million. Whilst some projects have been removed and project scopes amended, there is a long list of new projects which will have a significant financial implication for Council. The total value of these additional projects will be determined in May 2019 once all the cost estimates have been completed.
- The review will utilise the Facility Prioritisation Assessment Matrix from the Recreation Strategy 2017-2027 to help determine the priority of projects on a Shire wide basis for referral to the Long-Term Infrastructure Plan.
- It is possible that projects identified at Athlone and Jindivick will benefit from Council's recent decision to provide up to \$50,000 to each town as part of the 'Place Making Program.'
- The review is being conducted by Council's recreation team and to date has been delivered entirely in-house. Further design work and quantity surveyor estimates will be required for the next phase and will occur as part of the current financial year's operating budget.

Environmental Impact

- A number of projects within the master plans are aimed at improving the environmental sustainability of facilities including reducing the use of potable water, utilising renewable energy sources and addressing erosion issues.

- Environmentally Sustainable Design (ESD) principles will be followed in the development of new facilities and redevelopment of existing facilities. ESD can reduce operating costs and environmental impacts while increasing building resilience. This aligns with Council's Environmental Sustainability Strategy 2018-2022.
- There have been some projects identified which could see potential conflict between the natural environmental setting of the reserves and the sporting activities undertaken at the sites. For example, potential tree removal may be required for projects at Balmoral and Bellbird Parks in Drouin; Eastern Park in Warragul and potentially Athlone, Yarragon and Neerim South. Tree assessments will be carried out for these areas and wherever possible impacts to trees and vegetation will be avoided and minimised.

Community Impact

- These master plans impact a large number of towns and reserves across the municipality. The sites are used by a wide range of stakeholders from sporting clubs and community groups to schools and casual recreation users.
- Master plans help set a clear direction for Council, clubs and the community and enable proactive planning to occur at a holistic level.

CONSULTATION

- At the 12 September 2018 Council meeting, Council adopted a proposed engagement plan as the consultation process for the review.
- A 'Have Your Say' consultation process ran for a period of approximately 10 weeks between September and November 2018. This was promoted on Council's webpage and through 'Council News' columns; media articles in local newspapers; letters to residents and correspondence with sporting clubs, committees of management, schools, community groups, community banks, internal Council departments and peak sporting and recreation agencies.
- 26 consultation sessions were held with reserve user groups and hall committees of management, residents at on site drop-in sessions and the broader community at the Warragul kiosk and a range of community markets.
- The focus of the consultation was on checking that any outstanding masterplan projects are still required (and for Council to consider removing those that are not) and capturing current user requirements and or new issues.
- In addition to the workshop notes, a total of 37 formal submissions have been received on the recreation masterplan reviews (refer Attachment 1). 14 of these were from individuals and the remaining 23 represented sporting clubs, committees of management or service clubs.

- Submissions relating to the Warragul Outdoor Recreation Plan totalled 15, followed by 7 on the Trafalgar Recreation Precinct Master Plan (the highest number for a single site) and 5 each for the Drouin Recreation Plan, Downton Park Masterplan and Rural Recreation Reserve Masterplans.
- A number of submissions to Council's recent budget have your say process also covered projects raised in the masterplan review, including 18 submissions regarding Trafalgar Recreation Precinct and 50 on Western Park, Warragul.
- Round two consultation will be presenting the drafts for public exhibition with the primary purpose of validating whether the information has been correctly captured.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The recreation master plan reviews assist with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

1.1 *Quality community focused services, facilities and infrastructure to support a growing community.*

1.2 *Managing Baw Baw's growth and development.*

1.3 *A vibrant, healthy and inclusive community.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

The recreation master plan review has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

- A number of the identified master plan projects seek to address risk and compliance issues such as meeting building and sporting code standards.
- A couple of projects identify land acquisition or sales and these will require appropriate property and legal advice to investigate them further.
- "Planning for and providing services and facilities for the local community" is listed as a function of Council under the *Local Government Act 1989*.

POLICY IMPACTS

- On 10 December 2014, Council adopted the Rural Recreation Reserve Master Plans, the Downton Park Master Plan, Drouin Recreation Plan Review, Trafalgar Recreation Precinct Master Plan Review and Warragul Outdoor Recreation Plan Review. The Baw Baw Equestrian Centre Masterplan was adopted by Council on 13 July 2011.

- The adopted Recreation Strategy 2017-2027 contains the following recommendation “E9 - Review all Recreation Reserve Master Plans every four (4) years to update outstanding recommendations and to ensure they are still relevant.”
- The Public Health and Wellbeing Plan 2017-2021 has five key areas. Under area three, ‘Healthy Eating and Active Living’ strategy 3.6 states that Council should seek to “Improve access to active living programs, sport and active recreation, and community infrastructure”.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

11. THRIVING ECONOMY

Nil Reports

12. SAFE AND SUSTAINABLE ENVIRONMENTS

Nil Reports

13. ORGANISATIONAL EXCELLENCE

Nil Reports

14. NOTICES OF MOTION

14.1 Notice of Motion

Submitted by: Councillor Jessica O'Donnell

To: Chief Executive Officer

Date: 19 March 2019

I, Councillor Jessica O'Donnell, hereby give notice of my intention to move the following motion at the Council Meeting to be held on 27 March 2019.

That Council:

1. Send a formal letter to Regional Roads Victoria requesting funding towards concept and detail designs for the upgrade of the Princes Highway & Balfour Road Intersection in the 2019/20 financial year, as a matter of priority.
2. Notes the vital strategic importance of the Princes Highway & Balfour Road Intersection for the township of Drouin and the broader community in the delivery of the Precinct Structure Plan, in light of the following:
 - a. Estimated population growth within the Shire is to increase by 41%, from 50,687 in 2017 to 71,683 residents by 2036.
 - b. Current rates of development in the Drouin Township estimate that within the next five years there will be an additional 10,000 traffic movements on Drouin's roads.
 - c. The increased traffic on both Princes Highway, Main South Road and Princes Way through the township of Drouin.

Signed

Cr Jessica O'Donnell
25 September 2018

COUNCIL MOTION

Moved: Cr J O'Donnell
Seconded: Cr K Cook

CARRIED

15. COMMITTEE AND DELEGATES REPORTS

Nil

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS

Governance Officer

*Directorate: Corporate and Community
Services*

Ward: N/A

Appendix: 8 attachments

PURPOSE

To present the written records of Assemblies of Councillors that have occurred.

RECOMMENDATION

That Council receives and notes the Assembly of Councillors records tabled for the period from Tuesday 26 February to Friday 15 March 2019.

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr D Goss

CARRIED

KEY POINTS/ISSUES

The *Local Government Act 1989* requires that the written record of an Assembly of Councillors be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated into the minutes of that meeting.

17. MAYORAL MINUTE

Councillor Power used the Mayoral Minute to provide further information on item 10.1 Sponsorship considered at the Council Meeting on March 13th. At that meeting an amendment to the recommendation was moved to take into account, that an application for sponsorship had been submitted and was part of the published recommendation in the council agenda. But due to the timing of the application, the event and first council meeting for the year, could not be recommended or supported. Applications for which events occur must be considered before the event and items can take up to 5 weeks to be considered by Council. When considering sponsorship matters, Councillors are provided with the detailed applications and they use these in making their decisions to cast their votes. Councillors can make up their mind up until the moment they cast a vote. Transparency and Decision Making is important to me personally and I know for the Council as a whole and it is vital. We can always explain things better but our intent is to provide information that helps our community better understand the reasons for the decisions we make. We will continue to build on and improve our approach to this as a Council.

18. GENERAL BUSINESS

18.1 Condolence Motion for Mrs. Ruth Jones

The Council extend its sincere to the family of Mrs. Ruth Jones on her recent passing and write a letter of condolence from Council to the Family.

Mrs Jones was a Shire of Warragul Councillor from 1975-1978.

We acknowledge the contribution and commitment she made to Baw Baw Shire and the local community.

<p>COUNCIL MOTION</p> <p>Moved: Cr D Goss Seconded: Cr K Cook</p> <p style="text-align: right;">CARRIED</p>

18.2 General Business Motion – Cr O’Donnell

As a candidate for the forthcoming Federal Election, I request leave of absence from attending Council Meetings (or Council Duties) from Monday 1st April until a date in May when the outcome for the seat of Monash is known.

<p>COUNCIL MOTION</p> <p>Moved: Cr J O’Donnell Seconded: Cr D Goss</p> <p style="text-align: right;">CARRIED</p>
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Meeting closed at 6:23pm

Confirmed at this meeting 10 APRIL 2019

**Cr M Power
Mayor**