

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
18 September 2018**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 18 SEPTEMBER 2018 AT 5.00 PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Angela Jones (Director Infrastructure and Environment), Deborah McLean (Manager Governance & Risk), Julie Clark (Personal Assistant to the General Manager and Mayor).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

## **2 PRAYER**

The Meeting opened with a prayer by the General Manager

## **3 PUBLIC ACCESS AND QUESTION TIME**

### **3.2 Public Access – Dr Richard Gates (President & Life Member The Evans Head Living Museum & Community Technology Centre Inc.) addressed Council in relation to Item 6.1 Minutes of the Ordinary Meeting held 21 August 2018.**

Dr Gates referred to the keeping of minute records and Council's duty of care to keep full and accurate minutes. Commented the draft Minutes before Council tonight (Item 14.1) were missing the full report which was a critical element and requested that Council amend the minutes before ratifying them as full and accurate.

### **3.3 Public Access – Dr Richard Gates (President Evans Head Memorial Aerodrome Committee Inc.) addressed Council in relation to Item 17.6 Application to vary a development standard (Local Government Act, Section 82) Gateway Lifestyle Investments Holdings Pty Ltd, 17 Memorial Airport Drive, Evans Head**

Dr Gates referred to Item 17.6 and enquired as to why there was a delay in receipt of the application before Council. Commented that no consideration has been provided to the Airpark estate and requested the matter be deferred for consideration until after the Airpark property

settlement has taken place. Further commented that building the homes onsite will cause additional noise and environmental impacts to the local amenity.

#### **4 APOLOGIES**

Nil

#### **RESOLUTION 180918/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Councillor Morrissey be granted leave of absence for the October Ordinary meeting.

**CARRIED**

#### **5 MAYORAL MINUTES**

Nil

#### **6 CONFIRMATION OF MINUTES**

##### **6.1 MINUTES OF THE ORDINARY MEETING HELD ON 21 AUGUST 2018**

#### **RESOLUTION 180918/2**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

1. That the Minutes of the Ordinary Meeting, held on 21 August 2018, be taken as read and confirmed as a true record of proceedings.

**CARRIED**

#### **7 MATTERS ARISING OUT OF THE MINUTES**

Nil

#### **8 DECLARATION OF INTERESTS**

Cr Hayes declared an insignificant pecuniary conflict of interest in Item 18.2 Development Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2018 to 31 August 2018 DA2019/21 and DA2019/23 (applicant for developments).

#### **9 PETITIONS**

Nil

#### **10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYORAL MINUTE - MAYOR'S ATTENDANCES 5 AUGUST - 10 SEPTEMBER 2018****RESOLUTION 180918/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That the Mayor's Report for the period 5 August – 10 September be received and noted.

**CARRIED**

**12 DELEGATE'S REPORTS****12.1 DELEGATES REPORT SUBMITTED TO THE AUGUST 2018 ORDINARY MEETING****RESOLUTION 180918/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That the Delegates' Report for the month of August 2018, be received and noted.

**CARRIED**

**13 MATTERS DETERMINED WITHOUT DEBATE**

Each Councillor is given the opportunity to indicate which items they wish to debate or question. Item numbers identified for debate or questioning will be read to the Meeting.

Items identified for debate include; 14.1, 17.1, 17.2, 17.5 & 17.6

Following identification of the above items a motion will be moved in regard to the balance of items being determined without debate.

**13.1 MATTERS DETERMINED WITHOUT DEBATE****RESOLUTION 180918/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That items 15.1, 17.3, 17.4 be determined without debate.

**CARRIED**

## 14 GENERAL MANAGER'S REPORTS

### 14.1 ELECTION OF DEPUTY MAYOR

#### EXECUTIVE SUMMARY

Section 231 of the *Local Government Act 1993 (The Act)* provides that the Councillors may elect a deputy mayor for the mayoral term or for a shorter term. The deputy mayor may exercise any function of the mayor at the request of the mayor, or if the mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of mayor.

Schedule 7 of the *Local Government (General) Regulation 2005 (The Regulations)* provides for the method of conduct for the election of Deputy Mayor. The methods of conduct for the election, if more than one Councillor is nominated, are by preferential ballot, by ordinary ballot or by open voting.

It is recommended that the Deputy Mayor be elected for a 12 month term and that the method of conduct for the election of Deputy Mayor be by open voting.

It is also appropriate following declaration of the election result that nomination forms and any ballot papers be destroyed.

#### RESOLUTION 180918/6

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That:

1. Council elect a Deputy Mayor for a one year period.
2. Nominations for the position of Deputy Mayor be submitted in accordance with the Local Government (General) Regulation 2005, Schedule 7.
3. The method of conduct for the election of Deputy Mayor be by open voting.
4. Following declaration of the election result, nomination forms be destroyed.

#### CARRIED

The General Manager, as Returning Officer for the election, advised that he had received one nomination for the position of Deputy Mayor and called for further nominations from the floor, however none were submitted. He advised that the nomination he had received was a valid nomination and it was from Cr Stephen Morrissey.

As there was one nomination only, Cr Stephen Morrissey was declared elected as Deputy Mayor for the next 12 months.

The Mayor congratulated Cr Morrissey on his election as Deputy Mayor.

**15 FINANCIAL REPORTS****15.1 FINANCIAL ANALYSIS REPORT - AUGUST 2018****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard AASB 139 and Council's Investment Policy.

The value of Council's Investment Portfolio as at 31 August 2018 including General Bank Accounts and Trust Funds are shown below.

| Investment Portfolio | General Bank Accounts | Trust Funds | Total        |
|----------------------|-----------------------|-------------|--------------|
| \$44,735,091         | \$2,693,912           | \$120,995   | \$47,549,998 |

The rate of return on Council's investments for August 2018 was 2.74% which is above the 90 Day Bank Bill Index for August of 1.95%.

**RESOLUTION 180918/7**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month of August 2018.

**CARRIED**

**16 TENDER REPORTS**

Nil

**17 GENERAL BUSINESS****17.1 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN CASINO, CORAKI AND EVANS HEAD****EXECUTIVE SUMMARY**

Richmond Valley Council's existing Alcohol Free Zones have a mandatory four year sunset period. This period will expire on 30 September 2018 and a Council determination is required to continue the Alcohol Free Zones for a further four year period from 1 October 2018 to 1 October 2022.

Relevant authorities and local licensees have been notified and no objections were received by Council.

**RESOLUTION 180918/8**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the Alcohol Free Zone in Casino CBD, South Casino, Coraki CBD and Evans Head CBD are



re-established for a period of four years effective from 1 October 2018.

**CARRIED**

**17.2 DISCONTINUANCE OF PLANNING PROPOSAL FOR RURAL RESIDENTIAL LAND AT DARKE LANE, SWAN BAY - PP2016/0003**

**EXECUTIVE SUMMARY**

Planning Proposal PP2016/0003 sought to rezone a portion of lots 831, 832 and 833 DP 847683 from RU1–Primary Production to R5–Large Lot Residential. The proposal has been unable to satisfactorily address concerns raised by the Department of Primary Industries (DPI) Agriculture that potential future land use conflict will occur within a productive agricultural landscape. The immediate area of the property and surrounds is notably used for sugar cane cropping and the proposal represents a potential loss of important prime agricultural land, as ruled out by the *Richmond River Rural Residential Strategy 1999*. The matter has been referred to and discussed in some detail with DPI and despite the applicant being given ample opportunity to address concerns, the issues remain unresolved. Without the support of DPI Agriculture and Council the planning proposal may not progress.

**RESOLUTION 180918/9**

Moved: Cr Daniel Simpson  
Seconded: Cr Robert Hayes

That Council defer the report Discontinuance of Planning Proposal for Rural Residential Land at Darke Lane, Swan Bay PP2016/0003, until additional information is available for consideration.

**CARRIED**

**17.3 CASINO SHOWGROUND AND RACECOURSE DRAFT MASTER PLAN**

**EXECUTIVE SUMMARY**

Council Staff have been working with the Casino Showgrounds User Group for the past 12 months to establish a draft master plan for future development of the Casino Showground. A final draft document is presented to Council following recent workshops, information forums with key stakeholders and community consultation.

Information within the document has been used to support Regional Development Funding Grant applications for \$8 million for proposed works.

The key feature to the future development of the site is an Indoor Equestrian Arena, redevelopment of the horse racing training stables, renewal of the sand track and race course proper along with associated yarding and stable infrastructure.

The proposed site improvements allows for major regional events which will provide an economic boost to the Richmond Valley, as well as full time jobs within the horse training and racing industry based in Casino.

**RESOLUTION 180918/10**

Moved: Cr Sandra Humphrys  
Seconded: Cr Jill Lyons

That Council adopt the master plan for the Casino Showground and Racecourse.

**CARRIED**

**17.4 CRAWFORD SQUARE DRAFT MASTER PLAN - CONSULTATION STAGE****EXECUTIVE SUMMARY**

Council has engaged landscape architects Integrated Site Design to prepare a master plan for Crawford Square Casino. The draft plan has been created using information provided by Council officer's knowledge and experience of the facility, combined with historical feedback from Council customer requests. It is proposed Crawford Square be developed into a multi-use facility, catering for recreation, both passive and active in a variety of zones across the park. The proposal is to cater for all ages and abilities including the introduction of a water play space being a distinct feature to the region. Information will be compiled throughout the consultation period and a more detailed draft proposal will be submitted to Council for adoption as an approved master plan.

**RESOLUTION 180918/11**

Moved: Cr Sandra Humphrys

Seconded: Cr Jill Lyons

That:

1. Council adopt the draft master plan for Crawford Square to allow for a period of community consultation for 28 days; and
2. Feedback from the public exhibition period is considered in the preparation of a final draft to be presented to Council in the future.

**CARRIED**

**17.5 CASINO SWIMMING POOL DRAFT MASTER PLAN AND POOL INFORMATION REPORTS****EXECUTIVE SUMMARY**

Council Officers continue to monitor, assess and maintain the aging pool infrastructure within Richmond Valley. As part of this process, works have been undertaken to produce a draft master plan for the Casino Memorial Swimming Pool. It is proposed this concept plan be used as a basis for community consultation, encouraging the public to submit their ideas for the future use of the facility.

This report also provides general information regarding the operational issues at Coraki and Woodburn Pools, and highlights the steps intended for the short term operation of these facilities.

**RESOLUTION 180918/12**

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That:

1. Council remain informed and aware of the current condition of public swimming pool infrastructure within Richmond Valley to allow for future financial and strategic planning.
2. Council approve the Draft Casino Swimming Pool Master Plan to be placed on public exhibition for a period of 40 days.
3. Feedback from the public exhibition period is considered in the preparation of a final draft to be presented to Council in the future.

**CARRIED****17.6 APPLICATION TO VARY A DEVELOPMENT STANDARD (LOCAL GOVERNMENT ACT, SECTION 82) GATEWAY LIFESTYLE INVESTMENTS HOLDINGS PTY LTD, 17 MEMORIAL AIRPORT DRIVE, EVANS HEAD****EXECUTIVE SUMMARY**

An application under Section 82 of the Local Government Act 1993 has been received from Ardill Payne & Partners acting on behalf of Gateway Lifestyle Investments Holdings Pty Ltd, owners of land at Lot 1–3 DP1238103, 17 Memorial Airport Drive Evans Head seeking a variation (objection) to the requirements of two clauses in the *Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2005, (the Regulation)*.

The Regulation contains provisions which require manufactured homes be constructed at a place of manufacture outside of the manufactured home estate, i.e. off-site. The objection submitted by Ardill Payne & Partners seeks to allow the manufacture of homes onsite at 17 Memorial Airport Drive Evans Head, where approval for the development of a manufactured home estate has been granted.

Section 82 of the Local Government Act contains provisions which allow an applicant to lodge an objection to a regulation relating to an activity for which approval is sought. The applicant must include the grounds for the objection. If Council is satisfied the objection is well founded, it may, with the concurrence of the Director General, Department of Planning, determine the application. The clause in the subject Regulation for which the objection is sought requires that manufactured homes be constructed off-site rather than onsite.

The subject site is currently vacant but has approval for the development of a manufactured home estate with 199 dwelling sites. A modification to this consent has been submitted and is currently being assessed by Council proposing a reduction of dwelling sites from 199 to 179. The Section 82 Application would see dwellings constructed onsite rather than constructed off-site and transported to the estate.

**RESOLUTION 180918/13**

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

Recommended that:

1. Council support an objection to Clause 36 and Clause 41 of the *Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds and Moveable dwellings) Regulation 2005* at Lot 1–3 DP1238103, 17 Memorial Airport Drive, Evans Head for Gateway Lifestyle Investments Holdings Pty Ltd and seek concurrence with the Director General, Department of Planning.
2. Should concurrence be obtained, an approval to operate be issued subject to any conditions recommended by the Director General, Department of Planning, and subject to the special conditions contained in 'Annexure A'.

**CARRIED**

**18 MATTERS FOR INFORMATION****RESOLUTION 180918/14**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

Recommended that the following reports submitted for information be received and noted.

**CARRIED**

**18.1 LOCAL GOVERNMENT FINANCIAL ASSISTANCE GRANTS 2018/2019****RESOLUTION 180918/15**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That Council receive and note the Local Government Financial Assistance Grants 2018/19 September update.

**CARRIED**

**18.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2018 TO 31 AUGUST 2018****RESOLUTION 180918/16**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That Council receive and note the Development Applications Determined for the period 1 August to 31 August, 2018.

**CARRIED**

**18.3 UPDATE ON INSTALLATION OF 100KW SOLAR SYSTEM AT CASINO WATER TREATMENT PLANT****RESOLUTION 180918/17**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That council receive and noted the Update on Installation of 100kw solar system at Casino Water Treatment Plant.

**CARRIED**

**18.4 GRANT APPLICATION INFORMATION REPORT - AUGUST 2018****RESOLUTION 180918/18**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That the Grant Application report for the month of August be received and noted.

**CARRIED**

**18.5 SIGNATURE PROJECTS UPDATE****RESOLUTION 180918/19**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That Council receive and note the Signature Projects update.

**CARRIED**

**18.6 ROAD MAINTENANCE AND CONSTRUCTION SERVICES REVIEW UPDATE ON IMPLEMENTATION ACTIONS****RESOLUTION 180918/20**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That Council receive and note the Road Maintenance and Construction Services Review Update on implementation actions.

**CARRIED**

**18.7 UPDATE ON ASSISTANCE FOR THE EVANS HEAD LIVING MUSEUM****RESOLUTION 180918/21**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That Council receive and noted the Update on Assistance for the Evans Head Living Museum.

**CARRIED**

**19 QUESTIONS ON NOTICE**

Nil

**20 QUESTIONS FOR NEXT MEETING (IN WRITING)**

## 21 MATTERS REFERRED TO CLOSED COUNCIL

### RESOLUTION 180918/22

Moved: Cr Stephen Morrissey  
Seconded: Cr Sandra Humphrys

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

#### 21.1 Confidential Report - Update on invitation to participate in Group Action against Industry Supplier - Insurance

This matter is considered to be confidential under Section 10A(2) - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. **CARRIED**

The General Manager reported that no written representations had been received in respect to the items listed for consideration in Closed Council.

The Mayor called for verbal representations from the gallery.

There were no representations from the gallery.

### RESOLUTION 180918/23

Moved: Cr Stephen Morrissey  
Seconded: Cr Jill Lyons

That Council moves out of Closed Council into Open Council at 6.44pm

**CARRIED**

## 22 RESOLUTIONS OF CLOSED COUNCIL

The General Manager read the closed Council resolution;

That

1. Council receive and note the confidential report on the proposed class action.
2. Council consider the legal advice and approve Council's involvement as recommended in the confidential report.
3. Council delegate to the General Manager the authority to enter into agreements with Quinn Emanuel and Harbour Litigation Funding as well as agreements and arrangements with other parties as necessary to participate in the class action as set out in the report.
4. Council authorise the General Manager to enter into and endorse relevant documents and agreements including affixing the seal of Council where appropriate, for the class action generally in accordance with the details contained within this report and the previous Council Report, Confidential Report – Invitation to Participate in Group Action against industry supplier – insurance, dated 21 August 2018.

The Meeting closed at 6.45pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 October 2018.

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**CHAIRPERSON**