ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at the Public Hall – Supper Room,
Main Street, Bacchus Marsh on
Wednesday 7 March 2012 at 7:00 p.m.

Members:
Cr. Pat Griffin (Mayor) East Moorabool Ward
Cr. Allan Comrie East Moorabool Ward
Cr. Russ Hendry East Moorabool Ward
Cr. Michael Tudball East Moorabool Ward
Cr. Philip Flack Bungal Ward
Cr. Tom Sullivan West Moorabool Ward
Cr. Pat Toohey Woodlands Ward

Officers:
Mr. Rob Croxford Chief Executive Officer
Mr. Shane Marr General Manager Corporate Services
Mr. Phil Jeffrey General Manager Infrastructure
Mr. Satwinder Sandhu General Manager Growth and Development
Ms. Diane Eyckens Acting General Manager Community Services

Rob Croxford
Chief Executive Officer
AGENDA

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Griffin, opened the meeting with the Council Prayer at 7.00pm.

2. PRESENT

Cr. Pat Griffin (Mayor)       East Moorabool Ward
Cr. Allan Comrie             East Moorabool Ward
Cr. Russ Hendry              East Moorabool Ward
Cr. Philip Flack             Bungal Ward
Cr. Tom Sullivan             West Moorabool Ward
Cr. Pat Toohey               Woodlands Ward

Mr. Rob Croxford             Chief Executive Officer
Mr. Shane Marr                General Manager Corporate Services
Mr. Phil Jeffrey              General Manager Infrastructure
Mr. Satwinder Sandhu         General Manager Growth & Development
Ms. Diane Eyckens            Acting General Manager Community Services
Mrs. Leigh McCallum          Executive Officer Corporate Projects
Mrs. Deb Absolom             Minute Taker

3. APOLOGIES

Cr. Michael Tudball          East Moorabool Ward

4. CONFIRMATION OF MINUTES

4.1 Ordinary Meeting of Council – Wednesday 15 February 2012

Resolution:

Crs. Hendry/Comrie

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 15 February 2012.

CARRIED.
5. **DISCLOSURE OF CONFLICT OF INTEREST**

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
  - (section 77A, 77B)

- an indirect interest (see below)
  - indirect interest by close association
    (section 78)
  - indirect financial interest
    (section 78A)
  - indirect interest because of conflicting duty
    (section 78B)
  - indirect interest because of receipt of gift(s)
    (section 78C)
  - indirect interest through civil proceedings
    (section 78D)

**Time for Disclosure of Conflicts of Interest**

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

(a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and

(b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.
There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.

- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

Nil.
6. MAYOR’S REPORT

Since the last Ordinary Meeting of Council, the Mayor, Cr. Pat Griffin, attended the following meetings and activities:

<table>
<thead>
<tr>
<th>Cr. Pat Griffin - Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td>February – March 2012</td>
</tr>
<tr>
<td>16 February, 2012</td>
</tr>
<tr>
<td>• Meeting with DSE re: Ballan Caravan Park</td>
</tr>
<tr>
<td>• Update on Wind Farm Issues</td>
</tr>
<tr>
<td>17 February, 2012</td>
</tr>
<tr>
<td>• Central Highlands Regional Mayors &amp; CEO Forum</td>
</tr>
<tr>
<td>20 February, 2012</td>
</tr>
<tr>
<td>• Meeting with Catherine King</td>
</tr>
<tr>
<td>23 February, 2012</td>
</tr>
<tr>
<td>• Community Meeting re: Ballan Caravan Park</td>
</tr>
<tr>
<td>27 February, 2012</td>
</tr>
<tr>
<td>• Grant Selection Panel Meeting - Vision for Werribee Plains</td>
</tr>
<tr>
<td>29 February, 2012</td>
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<tr>
<td>• Official Launch of the MSC 2012 - “Feast of March” Campaign</td>
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<tr>
<td>• Ballan Shire Historical Society Inc. Annual General Meeting</td>
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<tr>
<td>1 March, 2012</td>
</tr>
<tr>
<td>• Central Business Bacchus Marsh Committee Meeting</td>
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<tr>
<td>5 March, 2012</td>
</tr>
<tr>
<td>• Meeting with Minister Terry Mulder</td>
</tr>
<tr>
<td>• Joint Use Agreement Meeting – Bacchus Marsh College</td>
</tr>
<tr>
<td>6 March, 2012</td>
</tr>
<tr>
<td>• Official Launch of Bacchus Marsh Harvest Festival</td>
</tr>
<tr>
<td>• Meeting with Jaala Pulford, Member for Western Victoria</td>
</tr>
<tr>
<td>7 March, 2012</td>
</tr>
<tr>
<td>• Meeting with Western Water</td>
</tr>
<tr>
<td>• Assembly of Council – Conflict of Interest</td>
</tr>
<tr>
<td>• Assembly of Council – Service Delivery Model</td>
</tr>
</tbody>
</table>
• Assembly of Council – Aged & Disability Services Update
• Ordinary Meeting of Council

Resolution:

Crs. Comrie/Toohey

That the Mayor’s report be received.

CARRIED.
7. COUNCILLORS' REPORTS

Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:

<table>
<thead>
<tr>
<th>Cr. Hendry</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>February 2012</strong></td>
</tr>
<tr>
<td>17 February, 2012</td>
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<tr>
<td>29 February, 2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cr. Sullivan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>February – March 2012</strong></td>
</tr>
<tr>
<td>20 February, 2012</td>
</tr>
<tr>
<td>6 March, 2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cr. Toohey</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>February 2012</strong></td>
</tr>
<tr>
<td>February 2012</td>
</tr>
<tr>
<td>February 2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cr. Comrie</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>March 2012</strong></td>
</tr>
<tr>
<td>6 March, 2012</td>
</tr>
</tbody>
</table>

Resolution:

Crs. Toohey/Sullivan

*That the Councillors' reports be received.*

CARRIED.
8. **PUBLIC QUESTION TIME**

The Council has made provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time.

Public Question Time is required to be conducted in accordance with the requirements contained within the **Public Question Time Protocols and Procedural Guidelines**.

The person asking the question is to stand and identify themselves before asking the question.

All questions are to be directed to the Mayor, who shall determine the appropriate person to respond to the question.

**The person asking the question must be present in the gallery when the question is considered and may be asked for clarification by the Mayor.**

At the discretion of the Mayor, a lengthy question may be required to be placed into writing by the person asking the question. The Mayor may accept a question on notice, in the event that research is required to provide a response. In the case of questions taken on notice, both the question and response shall be recorded in the Minutes of the Meeting.

**Procedural Guidelines – Public Question Time**

A maximum of one question is to be asked by any one person at any one time.

A maximum of three minutes per question will be allocated. An extension of time may be granted at the discretion of the Mayor.

The Mayor will nominate the appropriate person to respond to each question. In the event that the question is directed for response by a Council Officer, it shall be referred through the Chief Executive Officer.

The Mayor may disallow any question, which is considered:

To relate to a matter beyond the power or duties of Council;

To be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;

To be confidential in nature or of legal significance;

To be repetitive of a question already answered (whether at the same or any earlier meeting);

To be aimed to embarrass any person;

To relate to personnel matters;

To relate to the personal hardship of any resident or ratepayer;
To relate to matters affecting the security of Council property;

To relate to any other matter which Council considers would prejudice the Council or any person.

The Mayor has the discretion to seek clarification of the question if deemed necessary but otherwise the person asking the question is not permitted to enter into debate with or directly question the Mayor or Chief Executive Officer.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

The following questions were responded to at the meeting:

Mr. Gerald Harris, Bacchus Marsh – Why isn't town being swept of rubbish/debris (footpaths/gutters)?

Mr. John Kowaski, Ballan – Ballan Structure Plan was placed on Facebook, not everyone uses or has access to Facebook - could this material be provided using another means?

Mr. John Spain, Bacchus Marsh – With Catherine King using the Geoffrey Hine room at the library, is this room still available for use by others?

Mr. Graham Hooper, Bacchus Marsh – Sought clarification on heavy vehicle by-pass

Mr. Chris Huculak, Darley – When will improvement to drainage in Nicholson Street / McLeod Drive, Darley be completed?
9. PETITIONS

Nil.
10. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the Presentation/Deputations Protocols and Procedural Guidelines.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer’s office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.5.1</td>
<td>Proposed Consultation – 2012/13 Annual Budget</td>
<td>Mr. John Spain</td>
<td>Supporter</td>
</tr>
</tbody>
</table>

List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Nil.
11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.
11.2 GROWTH AND DEVELOPMENT

No reports for this meeting.
11.3 COMMUNITY SERVICES

No reports for this meeting.
11.4 INFRASTRUCTURE SERVICES

No reports for this meeting.
11.5 CORPORATE SERVICES

11.5.1 Proposed Consultation – 2012/13 Annual Budget

Introduction

File No.: 07/01/011
Author: Tim Owen
General Manager: Shane Marr

Background

As a result of poor attendances at public meetings held for the 2011/12 Annual Budget, officers have reviewed the public consultation process and have developed a proposed Community Consultation Plan for the development of the 2012/13 Annual Budget.

For the previous budget, public meetings were scheduled at Wallace, Ballan and Bacchus Marsh. These meetings were advertised for the three weeks leading up to the meetings. At each meeting there was minimal community attendance.

The other key issue with regard to the public meetings relates to the scheduled timing. Historically the public meetings have been held following the preparation of a draft annual budget. It is the opinion of officers that this is too late in the process for rate payers and residents to provide meaningful feedback on the budget.

The opportunity for feedback also should be more specific. Historically it is has been quite open in that a 100 page budget document is available for inspection and public comment. This may be a daunting process for some rate payers and residents. As such, it is the opinion of officers that the opportunity for rate payers and residents to provide feedback should be far more specific and targeted.

Proposal

The attached Community Consultation Plan has been prepared by officers for Council consideration.

The key elements of the plan are as follows:

- There will be an online survey for rate payers and resident to complete.
- For residents not wanting to complete, or unable to access an online survey, the survey will be distributed in The Moorabool News, available in all Customer Service offices and on Council’s website
- The survey will be promoted in a variety of ways, including advertising in newspapers, an email alert to all community contacts and a media release.
The information received will be collated by officers and presented to both the Leadership Group and Council as part of the information presented during the development of the annual budget.

The consultation will not eliminate the requirement to give notice that a budget has been prepared (per S 129 of the LGA) and the community will still be given the opportunity to provide a submission to the budget (per S 223 of the LGA). However, it is the recommendation of officers that the public meetings do not proceed for the 2012/13 annual budget.

Following the adoption of the 2012/13 Annual Budget, information will be provided to the community on the results of the feedback and how it was incorporated into the budget. This will be achieved through the Moorabool News, Moorabool Matters, a media release and through Council’s website.

**Policy Implications**

The 2009–2013 Council Plan provides as follows:

<table>
<thead>
<tr>
<th>Key Result Area</th>
<th>Continuous improvement in Council Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Sound, long term financial management</td>
</tr>
<tr>
<td>Strategy</td>
<td>Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.</td>
</tr>
</tbody>
</table>

The proposal to undertake Community Consultation as part of the development of the 2012/13 Annual Budget is consistent with the 2009-2013 Council Plan.

**Financial Implications**

The adoption of the proposed Community Consultation Plan for the 2012/13 Annual budget has no known financial implications to Council. The associated advertising costs will be accommodated within the existing budget allocation.

**Risk & Occupational Health & Safety Issues**

There are no identified risks or occupational health and safety issues identified with this initiative.

**Communications Strategy**

The Communications Strategy is outlined above and in the attached Community Consultation Plan. The key elements are to ensure communication with the community through a variety of mediums and also to provide information back to the community following adoption of the budget.

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Manager – Shane Marr – General Manager Corporate Services
In providing this advice to Council as the Manager, I have no interests to disclose in this report.

Author – Tim Owen – Finance Manager
In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

After reviewing the attached Community Consultation Plan together with the details provided above, that Council adopt this plan for consultation for the 2012/13 Annual Budget.

Consideration of Deputation

Mr John Spain addressed Council in relation to the Proposed Consultation – 2012/13 Annual Budget.

The business of the meeting then returned to the agenda.

Question without Notice

Mr. Graham Hooper, Bacchus Marsh asked a question of Council which was responded to at the meeting - has Council ever done or considered new resident meetings?
Recommendation:

That Council adopt the attached Community Consultation Plan for the development of the 2012/13 Annual Budget.

Resolution:

Crs. Flack/Sullivan

1. That Council adopt the attached Community Consultation Plan for the development of the 2012/13 Annual Budget.

2. That a meeting be held in the Western half of the Municipality at Dunnstown, Bungaree or Wallace.

CARRIED.

Report Authorisation

Authorised by: 

Name: Shane Marr
Title: General Manager Corporate Services
Date: Thursday 23 February 2012
12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

Section 80(A) of the Local Government Act 1989 refers to an Assembly of Councillors. An Assembly of Councillors is a planned or scheduled meeting, comprising at least 3 Councillors and 1 member of Council staff, that considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of a Council that has been delegated to a person or committee (s.76AA)

It should be noted, an assembly of Councillors does not include a meeting of the Council, a special committee of the Council, or any club, association, peak body, political party or other organisation.

Council must ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the Assembly. (s80A(2)). Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors – Wednesday 15 February 2012 – Police Liaison Meeting.
- Assembly of Councillors – Wednesday 15 February 2012 – Update on NBN.
- Assembly of Councillors – Wednesday 15 February 2012 – Appointments and Delegations Review.
- Assembly of Councillors – Wednesday 15 February 2012 – Outdoor Smoking at Outdoor Dining Venues.

Resolution:

Crs. Sullivan/Flack

That Council receives the record of Assemblies of Councillors as follows:

- Assembly of Councillors – Wednesday 15 February 2012 – Police Liaison Meeting.
- **Assembly of Councillors – Wednesday 15 February 2012 – Update on NBN.**

- **Assembly of Councillors – Wednesday 15 February 2012 – Appointments and Delegations Review.**

- **Assembly of Councillors – Wednesday 15 February 2012 – Outdoor Smoking at Outdoor Dining Venues.**

  CARRIED.
12.2 **Section 86 - Delegated Committees of Council - Reports**

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 – Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Meeting Date</th>
<th>Council Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navigators Community Centre</td>
<td>Wednesday 30 November, 2011</td>
<td>Community Members</td>
</tr>
<tr>
<td>Gordon Public Hall Committee</td>
<td>Thursday 16 February 2012</td>
<td>Community Members</td>
</tr>
</tbody>
</table>

**Resolution:**

Crs. Toohey/Sullivan

*That Council receives the reports of the following Section 86 - Delegated Committees of Council:*

- Navigators Community Centre meeting of Wednesday 30 November 2011
- Gordon Public Hall meeting of Thursday 16 February 2012.

CARRIED.
12.3 Section 86 - Advisory Committees of Council - Reports

Section 86 Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Section 86 Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 – Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Meeting Date</th>
<th>Council Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Advisory Committee</td>
<td>Wednesday 21 December 2011</td>
<td>Cr. Toohey</td>
</tr>
</tbody>
</table>

Resolution:

Crs. Toohey/Comrie

*That Council receives the reports of the following Section 86 Advisory Committees of Council:

- **Heritage Advisory Committee meeting of Wednesday 21 December 2011.**

  CARRIED.*
13. NOTICES OF MOTION

Nil.
14. URGENT BUSINESS

14.1 NBNCo Sessions - Cost Recovery

Resolution:

Crs. Toohey/Comrie

1. That Council seek to cover costs for NBNCo sessions in Gordon and Yendon, and any others necessary throughout the Shire, in relation to covering costs for advertising and cost of staff attending out of hours and hire of facilities.

2. That Council seek recovery of these costs under any available legislation.

CARRIED.
15. CLOSED SESSION OF THE MEETING TO THE PUBLIC

15.1 Confidential Report

15.2 Confidential Report

ADJOURNMENT OF MEETING 8:20 PM

Crs. Sullivan/Flack

That the meeting now stand adjourned for a period of 10 minutes.

CARRIED.

RESUMPTION OF MEETING 8:30 PM

Crs. Sullivan/Flack

That the meeting now be resumed.

CLOSURE OF THE MEETING TO THE PUBLIC – 8:30 PM

Resolution:

Crs. Hendry/Flack

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

(a) personnel matters;
(b) the personal hardship of any resident or ratepayer;
(c) industrial matters;
(d) contractual matters;
(e) proposed developments;
(f) legal advice;
(g) matters affecting the security of Council property;
(h) any other matter which the Council or special committee considers would prejudice the Council or any person;
(i) a resolution to close the meeting to members of the public

CARRIED.
Items 15.1 and 15.2 are confidential items and therefore not included as part of this Agenda.
16. MEETING CLOSURE

The meeting closed at 9.05 pm.

Confirmed……………………………………………………………………Mayor.