



MINUTES

COFFS HARBOUR CITY COUNCIL ORDINARY COUNCIL MEETING COUNCIL ADMINISTRATION BUILDING

CNR COFF AND CASTLE STREETS, COFFS HARBOUR
ON THURSDAY, 7 DECEMBER 2017 AT 5.00PM

PRESENT: Cr Denise Knight, Cr Michael Adendorff, Cr Paul Amos, Cr John Arkan, Cr George Cecato, Cr Keith Rhoades, Cr Jan Strom, Cr Tegan Swan, Cr Sally Townley

STAFF: General Manager, Director Sustainable Infrastructure, Director Sustainable Communities, Director Business Services and Executive Assistant

LEAVE OF ABSENCE Nil

OPENING OF ORDINARY MEETING

The meeting commenced at 5.00pm with the Mayor, Cr D Knight in the chair.

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present.

STATEMENT IN RELATION TO RECORDING OF MEETINGS

The Mayor reminded the Chamber that the meeting was to be recorded and live audio streamed, and that no other recordings of the meeting would be permitted.

DISCLOSURE OF INTEREST

Councillor	Items	Type of Interest
Cr George Cecato	SC17/68 JRPP - Development Application No. 0230/18 - Alterations and Additions to Existing Sports Stadium (Recreation Facility - Major) - Lot 102 DP 1077682, Stadium Drive, Coffs Harbour	Non-Pecuniary - Less Than Significant Conflict as he is a panel member of the JRPP – If discussion takes place I will leave the Chamber
Cr Denise Knight	SC17/68 JRPP - Development Application No. 0230/18 - Alterations and Additions to Existing Sports Stadium (Recreation Facility - Major) - Lot 102 DP 1077682, Stadium Drive, Coffs Harbour	Non-Pecuniary - Less Than Significant Conflict as she is a panel member of the JRPP – If discussion takes place I will leave the Chamber

APOLOGIES

No apologies.

PUBLIC ADDRESSES

No public addresses.

PUBLIC FORUM

No public forum.

MAYORAL MINUTE

MM17/04 COMMUNITY SAFETY PRECINCT CONSULTATION

2017/285 RESOLVED (Cr Denise Knight

That Council support the Community Precinct Safety Consultation forum by way of trialling the conduct of the Community Precinct Safety Consultation forums to be conducted commencing at 4.30pm immediately preceding an Ordinary Council Meeting three times a year.

The Motion on being put to the meeting was carried unanimously.

CARRIED

MAYORAL ACTIONS UNDER DELEGATED AUTHORITY

No Mayoral actions under delegated authority.

CONFIRMATION OF MINUTES

2017/286 RESOLVED (Cr Jan Strom / Cr George Cecato)

That the minutes of the Ordinary Meeting held on 23 November 2017 be confirmed.

The Motion on being put to the meeting was carried unanimously.

CARRIED

GENERAL MANAGER'S REPORTS**GM17/31 COUNCIL COMMITTEES - APPOINTMENT OF MEMBERS AND APPROVAL OF TERMS OF REFERENCES****EXECUTIVE SUMMARY**

Both nominations for Council Committees and Committee Terms of Reference (ToR) require approval by Council. This report is seeking Council endorsement of committee nominations and Committee ToRs.

2017/287 RESOLVED (Cr John Arkan / Cr Jan Strom)

That Council:

1. Appoints:
 - 1.1. Tony Hart and Muriel Craig to the Yandaarra Aboriginal Consultive Committee
 - 1.2. Shirley Williams to the Lowanna Community Hall Management Committee
 - 1.3. Dallas Brooks and Khinhtay-yee Matete to the Disability and Access Advisory Committee
 - 1.4. Vince Sibio to the Eastern Dorrigo Community Hall Management Committee
 - 1.5. Fiona Clancy to the Ayrshire Park Management Committee
 - 1.6. Kim Towner and Raymond Mather to the Library and Gallery Planning Advisory Group
 - 1.7. Jane Cruikshank and Carlina Ericson to the Cultural Reference Group
2. Endorse the attached revised Terms of Reference for the Disability Inclusion and Access Advisory Committee

The Motion on being put to the meeting was carried unanimously.

CARRIED

GM17/32 2017 CODE OF CONDUCT COMPLAINT STATISTIC REPORT**EXECUTIVE SUMMARY**

This report tables Council's Code of Conduct (CoC) complaint statistics report, which is required to be presented to Council in accordance with the Office of Local Government's (OLG) Circular 17-36.

2017/288 RESOLVED (Cr John Arkan / Cr Sally Townley)

That Council note the 2017 Code of Conduct Complaints report as of 30 September 2017.

The Motion on being put to the meeting was carried unanimously.

CARRIED

GM17/33 VOLUNTEER POLICY**EXECUTIVE SUMMARY**

The purpose of policy is to document Council's intent, commitment and/or a position on a particular topic as well as ensure transparency and accountability in local government. This report presents one policy for council adoption.

2017/289 RESOLVED (Cr Jan Strom / Cr John Arkan)

That Council adopts the Volunteer Policy.

The Motion on being put to the meeting was carried unanimously.

CARRIED

DIRECTORATE REPORTS - BUSINESS SERVICES**BS17/49 MONTHLY FINANCIAL PERFORMANCE REPORT FOR THE MONTH ENDED 31 OCTOBER 2017****EXECUTIVE SUMMARY**

This report presents the monthly financial performance report for 31 October 2017. The report provides information on the actual to budget position at the financial statement level for the current financial year.

2017/290 RESOLVED (Cr Paul Amos / Cr Jan Strom)

That Council note the monthly financial performance report for 31 October 2017, including the following Consolidated Income Statement.

CONSOLIDATED INCOME STATEMENT as at 31 October 2017:

	2017/18 Original Budget	2017/18 Projected Budget	2017/18 Year to Date Budget	2017/18 Year to Date Actuals
Recurrent Revenue	'000s	'000s	'000s	'000s
Rates & Annual Charges	94,845	94,689	94,689	93,317
User Charges & Fees	30,750	30,603	9,759	9,613
Interest & Investment Revenue	5,140	5,140	1,619	2,454
Other Revenues	15,171	15,164	5,055	3,323
Grants & Contributions provided for Operating Purposes	12,620	9,925	2,493	3,157

RECURRENT REVENUE	158,526	155,521	113,615	111,864
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Recurrent Expenditure

Employee Benefits & Oncosts	48,718	48,176	15,879	16,579
Borrowing Costs	10,621	10,621	2,606	2,597
Materials & Contracts	117,366	148,351	49,450	32,529
Depreciation & Amortisation	46,170	38,907	12,969	12,971
Other Expenses	1,667	1,661	567	2,564

Less: Capitalised Expenses	(58,482)	(87,013)	(29,004)	(18,657)
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RECURRENT EXPENDITURE	166,060	160,703	52,467	48,583
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NET OPERATING (DEFICIT) / SURPLUS	(7,534)	(5,182)	61,148	63,281
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Capital Revenue

Capital Grants, Subsidies, Contributions and Donations	25,793	33,924	7,947	8,073
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CAPITAL REVENUE	25,793	33,924	7,947	8,073
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NET SURPLUS	18,259	28,742	69,095	71,354
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The Motion on being put to the meeting was carried unanimously.

CARRIED

BS17/50 REVIEW OF ENVIRONMENTAL LEVY PROGRAM**EXECUTIVE SUMMARY**

Council considered the Environmental Levy (EL) Program Review report by the consultants The Centium Group at its meeting held on 24 August 2017. In accordance with Council's resolution a workshop/briefing was held with Councillors and staff on 5 September 2017 at which a presentation was provided and the Action Plan was worked through systematically.

A similar presentation was also provided to the Environmental Levy Committee with the opportunity to discuss each recommended action and to provide an opportunity to answer queries. This meeting/feedback session was held on 5 November 2017.

This report is provided in accordance with Council's previous resolution and allows officers to understand Council's formal position in relation to each of the recommended actions in the consultants report. Council officers will then draft new Environmental Levy Policy and associated guidelines in accordance with Council decisions.

The EL Program Review Action Plan recommendations are now tabled for Council's formal consideration and decision.

MOTION (Cr Denise Knight / Cr Michael Adendorff)

That Council:

1. Adopt Action Plan recommendations 1.3, 1.4, 1.5, 2.1, 2.2, 2.4, 2.5, and 3.1 of the Environmental Levy Program Review report as detailed in the table in the Issues Section of this report.
2. Adopt in principle Action Plan recommendations 1.1, 1.2, 2.3, 2.6 and 3.3 of the Environmental Levy Program Review report as detailed in the table in the Issues Section of this report.
3. Adopt an amended item 3.2 of the Action Plan to state: 'Establish an Environmental Grants Panel consisting of one Councillor as the Chair, two credentialed community members, one interagency advisor and one credentialed staff member to assess the smaller, short-term projects for which funding is sought'.
4. Note that officers will draft a new Environmental Levy Policy and guidelines in accordance with Council's decisions for further consideration.

AMENDMENT (Cr Sally Townley / Cr Jan Strom)

1. That Council adopt the Action Plan recommendations 1.3, 1.4, 1.5, 2.1, 2.2, 2.4 and 3.1 of the Environmental Levy Program Review report as detailed in table within the Issues Section of this report.
2. That Council adopt in-principle the Action Plan recommendations 1.1, 1.2, and 2.3 of the Environmental Levy Program Review report as detailed in table within the Issues Section of this report.
3. That Council officers develop a draft Environmental Levy Policy and Guidelines report to be presented to Council in early 2018 in accordance with Items 1 and 2 of this recommendation.
4. That an Environmental Levy Panel be established comprising two Councillors, two Council officers and four technical/community representatives with appropriate qualifications in land restoration, ecology or similar fields, and that one of the Councillors Chair the panel.
5. That the Panel be used to make recommendations on the 2018/19 Environmental Levy.
6. That the panel's decision-making be in-line with strategies identified in the MyCoffs Community Strategic Plan and Council's Delivery Program, and following the review of the Environmental Levy applications, recommendations will be made to Council.

7. That the community members who served on the Environmental Levy Committee be acknowledged for their contribution to the program.

For: Crs Amos, Strom, Swan and Townley

Against: Crs Knight, Adendorff, Arkan, Cecato and Rhoades

The **AMENDMENT** on being put to the meeting was **LOST**.

2017/291 RESOLVED (Cr Denise Knight / Cr Michael Adendorff)

That Council:

1. Adopt Action Plan recommendations 1.3, 1.4, 1.5, 2.1, 2.2, 2.4, 2.5, and 3.1 of the Environmental Levy Program Review report as detailed in the table in the Issues Section of this report.
2. Adopt in principle Action Plan recommendations 1.1, 1.2, 2.3, 2.6 and 3.3 of the Environmental Levy Program Review report as detailed in the table in the Issues Section of this report.
3. Note that officers will draft a new Environmental Levy Policy and guidelines in accordance with Council's decisions for further consideration.
4. Adopt an amended item 3.2 of the Action Plan to state: 'Establish an Environmental Levy/Grant Review Panel consisting of one Councillor as the Chair, two credentialed community members, one interagency advisor and one credentialed staff member to assess the projects for which funding is sought', until such time as the Policy and Guidelines mentioned in 3 above are brought back to Council.

The Motion on being put to the meeting was carried unanimously.

CARRIED

BS17/51 DRAFT PROPERTY STRATEGY 2017-2020

EXECUTIVE SUMMARY

Council's Operational Plan for 2016-17 identified the development and implementation of a Commercial Asset Management Strategy as an enabler of better strategic use, management and generation of returns from Council's commercial property holdings. However, from research, consultation and recent Council decisions in relation to property matters, it has become clear that this strategy should be broadened to include a strategic approach to the management of Council's entire property portfolio.

The purpose of the attached draft Property Strategy 2017-2020 is to ensure that Council's property portfolio is strategically aligned with its service delivery objectives and community expectations and to provide the systems and processes to enable Council to make short, medium to long term decisions around the property portfolio in a fully informed manner which balances the needs of property users with the interests of the broader community.

The strategy provides Council for the first time a comprehensive approach to reviewing, managing and improving the suitability of Council's property portfolio. The strategy will

provide strategic guidance to Council and Council staff in the pursuit of better practice property management and is recommended for endorsement for public exhibition. A further report on submissions received will be brought back to Council for consideration following the exhibition period.

2017/292 RESOLVED (Cr Jan Strom / Cr John Arkan)

That Council:

1. Endorse the draft Property Strategy 2017-2020 (Attachment 1) and place the draft strategy on public exhibition until mid-February 2018.
2. Note that a further report will be brought back to Council for consideration of any submissions following the public exhibition of the draft strategy.

The Motion on being put to the meeting was carried unanimously.

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE COMMUNITIES

SC17/65 DRAFT COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2015 - AMENDMENT NO 2 (HOUSEKEEPING 2)

EXECUTIVE SUMMARY

Coffs Harbour Development Control Plan 2015 ('DCP 2015') came into force on 29 September 2015 and gives effect to *Coffs Harbour Local Environmental Plan 2013* ('LEP 2013'). It has been amended once since its inception, which took effect on the 22 November 2017.

The purpose of this report is to undertake Council's second "housekeeping" review of DCP 2015, to support the ongoing effective implementation of the DCP by making it clearer and easier to use. The proposed amendment also seeks to address a Notice of Motion (NOM 17/15) from September 2017, which requested a review of shed/ancillary development sizes within residential zones.

This report seeks Council's endorsement to publicly exhibit draft Coffs Harbour DCP 2015 – Amendment No 2 (Attachment 1).

2017/293 RESOLVED (Cr Paul Amos / Cr Jan Strom)

That Council:

1. Endorse and publicly exhibit draft *Coffs Harbour Development Control Plan 2015 – Amendment No 2 (Housekeeping 2) – December 2017* (Attachment 1) until mid-February 2018.
2. Consider a further report in the future, outlining the outcomes of the public exhibition of draft *Coffs Harbour Development Control Plan 2015 – Amendment No 2 (Housekeeping 2)*.

The Motion on being put to the meeting was carried unanimously.

CARRIED

SC17/66 COFFS HARBOUR CBD - REVIEW OF HEIGHT AND BUILT FORM CONTROLS - DRAFT**EXECUTIVE SUMMARY**

The purpose of this report is to present a draft Review of Coffs Harbour CBD Height and Built Form Controls (the draft Review). The draft Review (Attachment 1) takes into consideration building height and built form modelling to understand urban design principles as they apply in the Coffs Harbour Central Business District (CBD) core. It examines a number of scenarios and provides a preferred option for future development within the CBD core area with an uplift in height from 17m to 44m and an increase to floor space ratios from 2.5:1 to 4.5:1, while embracing the vision and driving principles outlined in the Coffs Harbour City Centre Master Plan.

If Council agrees with recommendations contained within the draft Review, then it is recommended that it place the draft Review on public exhibition for a minimum period of 28 days and consider a report that summarises any submissions following the exhibition period. It should be noted that any subsequent changes to Coffs Harbour Local Environmental Plan (LEP) 2013 or Coffs Harbour Development Control Plan (DCP) 2015 would occur as part of a separate process.

2017/294 RESOLVED (Cr Paul Amos / Cr Jan Strom)

That Council:

1. Endorse the draft Review of the Coffs Harbour CBD Height and Built Form Controls (Attachment 1) and place the draft Review on public exhibition until mid-February 2018.
2. Note that a further report will be brought back to Council for consideration of any submissions following the public exhibition of the draft Review.

The Motion on being put to the meeting was carried unanimously.

CARRIED

SC17/67 PRIMARY PRODUCTION AND RURAL DEVELOPMENT REFORMS - SUBMISSION**EXECUTIVE SUMMARY**

The objective of this report is to provide Council with:

- an overview of the Primary Production and Rural Development Reforms as exhibited by the NSW Government; and
- a submission on the Primary Production and Rural Development Reforms for lodgement with the State Government (see Attachment 1).

The NSW Department of Planning and Environment is seeking feedback on a package of reforms to update and improve the planning framework for primary production and rural development. The reforms include transferring and amending provisions currently located in a number of existing State Environmental Planning Policies (SEPPs) to a new Primary Production and Rural Development SEPP, as well as updating various definitions in the Standard Instrument - Principal Local Environmental Plan and the *Environmental Planning &*

Assessment Regulation 2000 to ensure consistency between all documents. Draft planning guidelines have also been prepared to support the proposed planning reforms.

The reform package is currently on display for public consultation until 18 December 2017. The documents on display include an Explanation of Intended Effect (EIE) for the draft Primary Production and Rural Development SEPP, the draft planning guidelines and supporting documentation.

This report provides details of the contents of the reform package, as well as a submission to be lodged with the State Government in response to the public consultation process.

2017/295 RESOLVED (Cr Sally Townley / Cr Jan Strom)

That Council endorse the attached submission (Attachment 1) to the NSW Department of Planning and Environment regarding the Primary Production and Rural Development Reforms.

The Motion on being put to the meeting was carried unanimously.

CARRIED

SC17/68 JRPP - DEVELOPMENT APPLICATION NO. 0230/18 - ALTERATIONS AND ADDITIONS TO EXISTING SPORTS STADIUM (RECREATION FACILITY - MAJOR) - LOT 102 DP 1077682, STADIUM DRIVE, COFFS HARBOUR

EXECUTIVE SUMMARY

The purpose of this report is to advise that a development assessment report, prepared by Council, for Development Application 0230/18DA, has been lodged with the Joint Regional Planning Panel (Northern Region).

The proposed development is for alterations and additions to the existing sports stadium (Recreation Facility – Major). The estimated cost of construction is \$9,579,471. A detailed description of the works proposed is provided in the development assessment report provided to the panel.

In accordance with *State Environmental Planning Policy (State and Regional Development) 2011*, this application must be determined by the Joint Regional Planning Panel (Northern Region) and not Council as the development has a capital investment value of more than \$5 million, and;

- Council is the applicant, or
- Council is the owner of the land, or
- the development is to be carried out by Council,

A copy of the development assessment report that has been provided to the Panel is appended to this report.

It is recommended that the content of this report be noted.

2017/296 RESOLVED (Cr Keith Rhoades / Cr John Arkan)

That Council note the report.

The Motion on being put to the meeting was carried unanimously.

CARRIED

DIRECTORATE REPORTS - SUSTAINABLE INFRASTRUCTURE**SI17/29 RESERVE NAMING APPLICATION****EXECUTIVE SUMMARY**

Council adopted the Reserve Naming and Memorial Policy on 26 October 2017.

Facilities in Apex Park, Woolgoolga are being refurbished in 2017. The Apex Club no longer exists in Woolgoolga. The Lions Club Inc. has had a long standing presence in the reserve, providing a Driver Reviver service for over 20 years. The Lions Club is making contributions to the refurbishment of the Apex Park facilities along with Coffs Harbour City Council. The Chamber of Commerce is supplying an information board to be erected in the reserve.

A request for the renaming of the Apex Park has been received with the new name being proposed as "Lions Centenary Park". The renaming would coincide with The Lions Club centenary (100th years) in 2017. The renaming to Lions Centenary Park is in accord with the requirements as set out in the Reserve Naming and Memorial Policy and requires a resolution of Council.

This report requests that Council adopt, in principle, the renaming of the reserve if no submissions against the proposal are received during the public exhibition phase.

2017/297 RESOLVED (Cr John Arkan / Cr Michael Adendorff)

That Council,

1. Acknowledging that public exhibition is yet to occur, endorse the proposal to rename Apex Park to Lions Centenary Park;
2. Adopt the name Lions Centenary Park if no submissions against the proposal are received during the public exhibition period;
3. Receive an additional report and recommendation if submissions against the proposal are received.

The Motion on being put to the meeting was carried unanimously.

CARRIED

SI17/30 CONTRACT NO. RFT-886-TO - CITY SQUARE REFURBISHMENT CONSTRUCTION**EXECUTIVE SUMMARY**

As a component of the City Centre Masterplan program of works Council is to undertake the refurbishment of the CBD City Square.

The refurbishment design includes new awning structures, a regraded pavement to allow overland stormwater flow, all new paving and landscaping, Park Avenue Lane reconstruction and sundry landscaping, seating and street furniture.

A first Tender for the 'Design and Construction' of City Square was called in June 2017 and was later declined by Council on the basis that the tendered prices significantly exceeded

the Project budget. Following that, a second Tender for the 'Construction Only' of City Square was called in October 2017.

Responses to the second Tender have now been received and assessed. This report recommends that Council adopt the recommendation in the attached confidential report.

2017/298 RESOLVED (Cr Jan Strom / Cr Michael Adendorff)

That Council:

1. Decline to accept any tender received for Contract No. RFT-886-TO City Square Refurbishment Construction; in accordance with s178(1) (b) of the Local Government Regulations.
2. In accordance with s178(3)(a), postpone the proposal for the Contract until further reviews are completed.
3. Conduct an external Urban Design peer review of the existing City Square Design.
4. Continue with the supply and erection of the screen on the carpark ensuring that the colour scheme is consistent with the adopted CBD Master Plan palette.

The Motion on being put to the meeting was carried unanimously.

CARRIED

SUPPLEMENTARY REPORT – SUSTAINABLE COMMUNITIES

The Mayor requested a motion to move into Closed Session at the end of the meeting to consider Item SC17/69 Contract No. RFT-883-TO Design and Construction C.ex Coffs International Stadium upgrade.

MOTION

2017/299 RESOLVED (Cr Denise Knight / Cr Sally Townley)

That Council go into Closed Session at the end of the meeting to consider Item SC17/69 Contract No. RFT-883-TO Design and Construction C.ex Coffs International Stadium upgrade.

The Motion on being put to the meeting was carried unanimously.

CARRIED

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

QUESTIONS ON NOTICE

No questions on notice.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature.

DIRECTORATE SUPPLEMENTARY REPORT – SUSTAINABLE COMMUNITIES**CLOSED SESSION – SECTION 10(A)**

The Mayor requested a motion to close the meeting to consider Item SC17/69 Contract No. RFT-883-TO Design and Construction C.ex Coffs International Stadium upgrade, the time was 5.44 pm.

MOTION**2017/300 RESOLVED (Cr Jan Strom / Cr George Cecato)**

That the meeting be closed to the press and public during consideration of the following item for the reasons stated:

SC17/69 - Contract No. RFT-883-TO Design and Construction C.ex Coffs International Stadium upgrade

The item was confidential for the reason of Section 10A(2)(d)(i), (d)(ii).

The Motion on being put to the meeting was carried unanimously.

CARRIED

The press and public vacated the chamber.

SC17/69 CONTRACT NO RFT-883-TO - DESIGN AND CONSTRUCTION C.EX COFFS INTERNATIONAL STADIUM UPGRADE**EXECUTIVE SUMMARY**

This report considers the tenders for the design and construction of the C.ex Coffs International Stadium upgrade - 'Building an EPIC Stadium for the Future project'.

2017/301 RESOLVED (Cr Tegan Swan / Cr George Cecato)

That Council:

1. Decline to accept any tender received for Contract No. RFT-883-TO C.ex Coffs International Stadium upgrade; in accordance with S178(1)(b) of the Local Government Regulations.
2. Not invite fresh tenders as it is considered unlikely that a fresh tender with the same requirements would elicit a different result to that which has been achieved.

- 3. Delegate authority to the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
- 4. Note that the reason for determining to enter into negotiations is to achieve a more cost effective result for Council than that which resulted from the tenders.
- 5. Schedule an Extraordinary Meeting of Council at the earliest opportunity to consider the outcomes of the negotiations mentioned in point 4 above.

The Motion on being put to the meeting was carried unanimously.

CARRIED

OPEN SESSION

The Mayor requested an appropriate motion to enable the meeting to resolve into Open Session.

MOTION

2017/302 RESOLVED (Cr John Arkan / Cr Jan Strom)

That Council move into Open Session.

The Motion on being put to the meeting was carried unanimously.

CARRIED

MOTION

2017/303 RESOLVED (Cr John Arkan / Cr Jan Strom)

That the resolution of the Closed Session be adopted.

The Motion on being put to the meeting was carried unanimously.

CARRIED

The General Manager read to the meeting the resolution of the Closed Session.

CLOSE OF MEETING

The Meeting closed at 6.06pm.

Confirmed: 8 February 2018

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Denise Knight
Mayor