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*Confirmed Minutes
Oberon Council Ordinary Meeting
Tuesday 19 February 2013
5.30pm Council Chambers*

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General Manager

Mayor

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01 Opening of Meeting

File No: Governance/Meetings/Ordinary

The Mayor welcomed members and declared the meeting open at 5.30pm.

02 Acknowledgement of Country and Prayer

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

The Meeting was opened in prayer by Pastor Andy Godden.

03 Record of Attendance

File No: Governance/Meetings/Ordinary

Members	Mayor John McMahon (in the chair) Deputy Mayor Kerry Gibbons Clr Jill Evans Clr Neil Francis Clr Sam Lord Clr Clive McCarthy Clr John Morgan Clr Kathy Sajowitz
Officers	Alan Cairney, General Manager John Chapman, Director of Corporate Services Gary Wallace, Director of Development Aruna Wickramasinghe, Director of Engineering Sharon Swannell, Executive Assistant
Apologies	Clr Ian Doney
Moved:	McCarthy
Second:	Lord

That apologies be received and accepted for the non-attendance of Councillor Ian Doney.

Carried 01190213

04 Presentations

Jenny Bennett, Executive Officer of Centroc, provided a presentation regarding the current advocacy programs and cost savings initiatives Centroc delivers to Oberon Council.

05 Questions from the Public

Pastor Andy Godden asked the following questions in relation to Council's website.

Under the Community Directory available on the Oberon Council website there are 15 categories with lots of resources listed from across the region. Why are the five churches in Oberon not mentioned in there at all? Also under the Health Directory why is the Oberon Medical Centre not listed in there as well?

The General Manager took the question on notice and will provide a response.

Item 13.04 was brought forward and dealt with at this point in time.

13.04 SENIORS WELFARE COMMITTEE

File: Governance/Meetings/Seniors Welfare Committee

Author: Hanna Bates, Administrative Assistant

Summary

Minutes of the Seniors Welfare Committee Meeting held on 11 February 2013 are submitted for Council's information and consideration.

Moved: Sajowitz
Second: Morgan

1. That the Minutes of the Seniors Welfare Committee Meeting held on 11 February 2013 be received as information.
2. That Council not take names for a waiting list for the new Aged Care Facility and that our community be informed through appropriate media releases issued in conjunction with Columbia Homes and the Oberon Health Service and Oberon Health Council.
3. That Council agree in principle to establishing a Community Garden at Apex Park.

Carried 02190213

Moved: Sajowitz
Second: Evans

That the application from Norelle Hiam to become a member of the Seniors Welfare Committee be kept on hold until such time as a community representative vacancy on the Committee becomes available.

Carried 03190213

06 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 18 December 2012

Moved: Gibbons
Second: Francis

That the Minutes of the Ordinary Meeting held on 18 December 2012 be taken as read and confirmed.

Carried 04190213

Matters Arising from the Minutes

Nil

07 Declarations of Interest

Governance/Councillors/Declarations of Interest

Pecuniary - Nil
Non-Pecuniary - Nil

08 Mayoral Minute and Report

08.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Cllr John McMahon, Mayor

Summary

This report summaries the main activity for the Mayor since my last report.

Moved: McCarthy
Second: Lord

That Report Item 08.01 is received as information.

Carried 05190213

09 Councillor/Delegates Reports

09.01 UPPER MACQUARIE COUNTY COUNCIL MEETING

File No: Environmental Management/Meetings/Upper Macquarie County Council

Author: Cllr John McMahon, Mayor

Summary

Councillors Francis and McMahon attended the meeting of the Upper Macquarie County Council (UMCC) held on Friday 21 December 2012 and Councillor McMahon attended the meeting held on Friday 1 February 2013.

Moved: Francis
Second: Gibbons

1. That report item 09.01 is received as information.
2. That Council consider increasing its annual allocation for roadside Bidy Bush control in the 2013 – 2014 Delivery Plan and Operational Plan.
3. That Council continue to lobby Forests NSW to control Bidy Bush in the State Forests located in the Oberon Local Government Area.

Carried 06190213

09.02 OBERON BUSINESS ASSOCIATION

File No: Community Relations/Community Consultation/Oberon Business Association

Author: Alan Cairney, General Manager

Summary

Councillor McMahon and the General Manager are Council's delegates to the Oberon Business Association (OBA). The General Manager attended the Association meeting held on 6 February 2013 and the next meeting is scheduled for Wednesday 6 March 2013.

Moved: McCarthy
Second: Lord

That delegate's report item 09.02 is received as information and Council note the proposed Forum for Wednesday 6 March 2013.

Carried 07190213

09.03 OBERON PLATEAU TOURISM ASSOCIATION

File No: Economic Development/Visitor Information Centre/Oberon Plateau Tourism Association

Author: Alan Cairney, General Manager

Summary

The Mayor, Councillor John McMahon, Delegate Councillor Lord and the General Manager attended the Association meeting held on 11 February 2013.

Moved: Francis
Second: Sajowitz

That delegate's report item 09.03 is received as information.

Carried 08190213

10 Inwards Correspondence

10.01 INWARDS CORRESPONDENCE

File No: Governance/Meetings/Ordinary

Author: Sharon Swannell, Executive Assistant

Summary

The Report Item provides a summary of incoming correspondence for the period 1 December 2012 to 31 January 2013.

Moved: McCarthy
Second: Morgan

That Report Item 10.01 is received as information.

Carried 09190213

11 Reports for Information

11.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The Report Item summaries the main activity for the General Manager for December 2012 and January 2013 including Staff Matters, Workplace Health & Safety, Council Committees, Regional Matters and details of planned activity for the next few months.

Moved: McCarthy
Second: Francis

That report item 11.01 is received as information.

Carried 10190213

11.02 MONTHLY ACTIVITY REPORT – COMMUNITY SERVICES

File: Governance/Meetings/Ordinary

Author: Kathy Beesley, Community Development Officer & Joanne Barton, HR Officer

Summary

The report is a summary of Community Services activity for December 2012 & January 2013.

Moved: Evans
Second: Gibbons

That report item 11.02 is received as information.

Carried 11190213

11.03 MONTHLY ACTIVITY REPORT - TOURISM SERVICES & VISITOR INFORMATION CENTRE ACTIVITY

File No: Economic Development/Tourism Development

Author: Alan Cairney, General Manager

Summary

Providing details relating to Tourism and activities at the Oberon Visitor Information Centre.

Moved: McCarthy

Second: Sajowitz

That report item 11.03 is received as information.

Carried 12190213

11.04 DECADE OF DECENTRALIASATION

File: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The NSW Government is seeking submissions on the release of a policy and strategy intended to stimulate regional development, manage the State's predicted population growth and deliver greater opportunities to rural and regional communities.

The Central NSW Councils group (CENTROC) is preparing a joint submission to represent the interests of member Councils.

Moved: McCarthy

Second: Francis

That report item 11.04 is received as information.

Carried 13190213

11.05 CENTRAL WEST REGIONAL ACTION PLAN

File: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The Minister for Western New South Wales, the Hon. Kevin Humphries MP, has released the Central West Action Plan. The actions within the Regional Action Plan are aligned to the NSW 2021 document "A Plan to Make NSW Number One", which is the NSW Government's ten year plan to strengthen the State.

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Moved: Evans
Second: Sajowitz

That report item 11.05 is received as information...

Carried 14190213

11.06 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL

File: Government Relations/Publications/Independent Local Government Review Panel

Author: Alan Cairney, General Manager

Summary

The Independent Local Government Review Panel has provided details of Stage 2 of the review process.

The Mayor presented an “action plan” prepared following a regional workshop with members of Centroc Councils held in Blayney on 15 February, which he attended with the General Manager. A Centroc Board meeting is to be held on 28 February in Wellington where members of the Independent Local Government review Panel will be attending.

Moved: McMahon
Second: McCarthy

That report item 11.06 is received as information and Council note the contents of the action plan as presented by the Mayor to the meeting.

Carried 15190213

11.07 MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Gary Wallace

Summary

Providing a summary of the major work carried out in the Development Department for the period 1 December 2012 to 31 January 2013.

Moved: McCarthy
Second: Lord

That report item 11.07 is received as information.

Carried 16190213

11.08 SWIMMING POOL AMENDMENT ACT 1012

File No: Laws and Enforcements/Infringements/Swimming Pools

Author: Jaclyn Burns, Senior Development Control Officer

Summary

Drowning is a leading cause of accidental death in very young children who lack the cognitive and water skills to deal with the danger. With over 300,000 backyard swimming pools in NSW, swimming pool safety is a vital issue that affects the whole community. In 2012, a comprehensive review of the Swimming Pools Act 1992 was finalised. This review identified a number of amendments designed to enhance the safety of children under the age of five years around private ('backyard') swimming pools in NSW.

Moved: McCarthy
Second: Gibbons

That report item 11.08 be received as information.

Carried 17190213

11.09 MONTHLY ACTIVITY REPORT – ENGINEERING DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Aruna Wickramasinghe/Ian Tucker

Summary

Providing a summary of the major work carried out in the Engineering Department for the period 01 December 2012 to 31 January 2013.

Moved: Morgan
Second: McCarthy

That report item 11.09 is received as information.

Carried 18190213

11.10 MONTHLY ACTIVITY REPORT – CORPORATE SERVICES

File: Financial Management/Financial Reporting/Periodic Reports

Author: John Chapman, Director of Corporate Services

Summary

Providing a summary of the major work carried out in the Corporate Services Department for the period 1 December 2012 to 31 January 2013.

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Moved: Francis
Second: Gibbons

That report item 11.10 is received as information.

Carried 19190213

11.11 STATEMENT OF BANK BALANCES AND INVESTMENTS

File: Financial Management/Investments/Register

Author: John Chapman, Director of Corporate Services

Summary

The statements of Bank Balances and Investments as at 31 December 2012 and 31 January 2013 is provided for Councils information.

Moved: Sajowitz
Second: Morgan

That report item 11.11 is received as information.

Carried 20190213

11.12 MEDIA

File No: Information Management/Information and Communications/Media Releases

Author: Carolyn Hendry, Information and Communications Officer

Summary

The Report Item provides a list of Media Releases issued during December 2012 and January 2013, a list of the dates where the Mayor's column (Council News) has been published in the Oberon Review and a sample of Media Articles where Council is mentioned.

Moved: McCarthy
Second: Lord

That report item 11.12 is received as information.

Carried 21190213

11.13 STATUS REPORT – ACTIONING COUNCIL DECISIONS

File No: Governance/Meetings/Ordinary
Author: Sharon Swannell, Executive Assistant

Summary

Providing details of the status in actioning Council decisions, with reference to the actual Resolution Number as shown in the Minutes for each Council Meeting.

Moved: Lord
Second: McCarthy

That report item 11.13 is received as information.

Carried 22190213

12 Reports for Decision

12.01 DEVELOPMENT APPLICATION 10.2013.2.1- AGRICULTURAL LOT SUBDIVISION AND BOUNDARY ADJUSTMENT

File No: Property/PR186-919
Author: Senior Development Control Officer, Jaclyn Burns

Summary

The applicant of Development Application 10.2013.2.1 requests to vary Part B14.12.9 of Development Control Plan 2001. Approval for a variation is sought from Council.

Moved: McCarthy
Second: Lord

That subject to Council receiving a Bushfire Safety Authority and subject to no submissions being received from the neighbour notification process delegation be granted to Councils Director of Development to vary Part B14.12.9 of Oberon Development Control Plan 2001 associated to Development Application 10.2013.2.1 for an agricultural lot subdivision and boundary adjustment on Lot 1 in DP: 621119, Lot 1 in DP: 47277 and Lot 1 in DP: 1098132, 909 and 919 O'Connell Road, Oberon, to enable the proposed dwelling (approved under DA10.2012.64.1) to be located 37m from the northern boundary of proposed Lot 102.

Carried 23190213

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

For: Councillors McMahon, Gibbons, Francis, Morgan, Sajowitz, McCarthy, Lord and Evans
Against: Nil

12.02 DA10.2012.35.1 EXPANSION OF WASTE MANAGEMENT FACILITY

File No: PR23-362, PR23-364, PR23-372

Author: Jaclyn Burns, Senior Development Control Officer

Summary

A Development Application for the expansion of the Oberon waste management facility has been received. The application is referred to Council for determination in accordance with Part H.3.10 of the Development Control Plan (DCP) 2001.

Moved: Lord
Second: Morgan

That Council determine Development Application 10.2012.35.1 for the expansion of the Oberon Waste Management Facility in accordance with the recommendation outlined in the attached Section 79c Report.

Carried 24190213

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

For: For: Councillors McMahon, Gibbons, Francis, Morgan, Sajowitz, McCarthy,
Lord and Evans
Against: Nil

12.03 NEW MODEL CODE OF CONDUCT FRAMEWORK

File: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The Division of Local Government has advised of the new Model Code of Conduct Framework and implementation arrangements, including procedures. The new model code framework is proposed to commence from 1 March 2013.

Moved: McCarthy
Second: Francis

That Council adopt the new Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;

That the General Manager report to Council on the appointment of a “complaints coordinator” and “alternate complaints coordinator” and on the current arrangements for the engagement of “conduct reviewers” and a “panel of conduct reviewers”, as required by the new Code and Procedures.

Carried 25190213

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12.04 INTERNATIONAL WOMEN'S DAY 2013

File No: Community Services/Community Events

Author: Sharon Swannell, Executive Assistant

Summary

International Women's Day (IWD) is a global day held annually on 8 March to celebrate the economic, political and social achievements of women past, present and future.

Moved: McCarthy
Second: Evans

That the Friends of the Oberon Library be invited to host an event to celebrate International Women's Day on 8 March 2013.

Carried 26190213

13 Committee Reports

13.01 COMMUNITY SERVICES COMMITTEE – 6 DECEMBER 2012 AND 7 FEBRUARY 2013

File: Governance/Meetings/Community Services Committee

Author: Hanna Bates/Administration Assistant

Summary

Minutes of the Community Services Committee Meeting held on 06 December 2012 and 07 February 2013 are submitted for Council's information and consideration.

Moved: McCarthy
Second: Evans

1. That the Minutes of the Community Services Committee held on 06 December 2012 and 07 February 2013 be received as information.
2. That Council investigate the cost of purchasing and installing an overhead projector and screen, and also blinds for the skylights.
3. That Council contact the Rotary Club of Oberon and the Oberon Business Association regarding the Welcome to Oberon Pack to collaborate on producing the packs.

Carried 27190213

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13.02 WORKS COMMITTEE MEETING – 5 FEBRUARY 2013

File: Governance/Meetings/Works Committee
Author: Sharon Swannell, Executive Assistant

Summary

Providing details of the Works Committee meeting held on 5 February 2013.

Moved: Francis
Second: Morgan

That:

1. The Minutes of the Works Committee Meeting held on 5 February 2013 be received for information.
2. Council note the information and the presentation related to current work practices, funding gaps desired strategy and proposed future strategy.
3. That Council approve the amendments to the Plant Replacement Program for the 2012-2013 period.
4. The Council reallocate the balance funding available in 2012/13 budgets for Arkstone Road improvements and Beaconsfield Road Reconstruct/Seal for Sealed Local Road Rehabilitation and Reseals.
5. That the complainant be advised that continuation of the sealing of Carlwood Road is not included in Council's forward works program.
6. That Council note the information provided on supervision of Roadworks and receive the verbal report at the Works Committee Meeting.
7. That two main street style garbage bins be installed at the Oberon RSL Sub-branch Museum and that Council staff collect these as part of the street bin collection routine.

Carried 28190213

13.03 OBERON SPORTS FACILITIES COMMITTEE – 6 FEBRUARY 2013

File: Governance/Meetings/Oberon Sports Facilities Committee
Author: Sharon Swannell, Executive Assistant

Summary

Minutes of the Oberon Sports Facilities Committee Meeting held on 6 February 2013 are submitted for Council's information and consideration.

Moved: Evans
Second: McCarthy

That the Minutes of the Oberon Sports Facilities Committee held on 6 February 2013 be received as information.

Carried 29190213

Note – Report Items 13.04 dealt with previously

13.05 FINANCE COMMITTEE MEETING

File: Governance/Meetings/Finance Committee

Author: Hanna Bates/Admin Trainee

Summary

Minutes of the Finance Committee Meeting held on 12 February 2013 are submitted for Council's information and consideration.

Moved: Morgan
Second: Sajowitz

1. That the Minutes of the Finance Committee Meeting held on 12 February 2013 be received for information.
2. That the Quarterly Budget Review Statements for the period ending 30 September 2012 be received and noted and the revised budgeted income and expenditure items be amended subject to inclusion of the recommendation from the Works Committee Meeting of 5 February 2013 regarding reallocation of funds as follows:

“The Council reallocate the balance funding available in 2012/13 budgets for Arkstone Road improvements and Beaconsfield Road Reconstruct/Seal for Sealed Local Road Rehabilitation and Reseals.”
3. That Council's Long Term Financial Plan, Delivery Program and Operational Plan be amended to postpone the previously intended increase of 10% above the rate pegging limit for general rates from 2013/2014 to 2014/2015 pending further analysis of future roads infrastructure rehabilitation and maintenance costs and further community consultation.
4. Council waive the fees for inter library loans for a trial period up to the end of June 2013, on the basis of entering into an agreement with Bathurst City Library for corporate membership to enable access to inter library loans and,
5. Inter-Library Loans obtained through the library network, other than from Bathurst City Library, be charged at a reduced rate of \$3 per Loan for the trial period,
6. The results of the trial period be submitted to Council for consideration during preparation of the Operational Plan 2013/2014.
7. That the General Manager be requested to investigate options for the purchase of land to accommodate a Recreation Ground in the O'Connell district.
8. That the General Manager be requested to consult with the Brigade Captain of the O'Connell Rural Fire Service regarding the possible expansion of the existing RFS land in O'Connell.

Carried 30190213

14 New Business of an Urgent Nature Admitted by Council

Clr Gibbons requested an update regarding questions asked at the December 2012 Ordinary Meeting regarding a tree overhanging a property in Ross Street.

The Mayor advised that an arborist has previously inspected the tree and Council had resolved to take no action at that time.

The General Manager advised that he and the Director of Engineering will inspect the tree on Wednesday 20 February 2013.

15 Closed Session Reports

Summary

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is Section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) Personnel matters concerning particular individuals (other than Councillors)
- (b) The personal hardship of any resident or ratepayer
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret
- (e) Information that would, if disclosed, prejudice the maintenance of law
- (f) Matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.

15.01 TENDER T2013/1 - GRADER

File No: BCS/Plant Equipment and Stores/Acquisition/Purchase

Author: Aruna Wickramasinghe, Director of Engineering Services

This item is classified CONFIDENTIAL under Section 10A(2)(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

Section 10A(2)

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

15.02 UPDATE ON LAND SALES AND PROPERTY MATTERS

File No: PO58.16-28, Council Properties/Land Development and Sales, PO2.15-19

Author: Alan Cairney, General Manager

This item is classified CONFIDENTIAL under Section 10A(2) (c)&(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

Section 10A(2)(c)&(d)

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret

Moved: McCarthy
Second: Francis

That:

1. Council resolve into closed Council to consider business identified, together with any late confidential reports tabled at the meeting.
2. Pursuant to Section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of Section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

Carried 31190213

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General Manager

Mayor

Council moved into a Closed Session at 7.46pm, the members of the public present left the Council Chambers.

15.01 TENDER T2013/1 - GRADER

File No: BCS/Plant Equipment and Stores/Acquisition/Purchase

Author: Aruna Wickramasinghe, Director of Engineering Services

Moved: McCarthy
Second: Lord

That the tender from Westrac to supply a Caterpillar 12M Motor Grader be accepted as the successful tender for the total amount of \$350,900 (inclusive of GST).

Carried 32190213

15.02 UPDATE ON LAND SALES AND PROPERTY MATTERS

File No: PO58.16-28, Council Properties/Land Development and Sales, PO2.15-19

Author: Alan Cairney, General Manager

Moved: Gibbons
Second: Morgan

That Council note the updated information and delegate authority to the General Manager to negotiate price reductions on Lots in the Tasman Estate Subdivision as detailed in the confidential report.

Carried 33190213

Moved: McCarthy
Second: Morgan

That Council authorise the General Manager to negotiate with the sale of land within the Albion Street, Industrial Subdivision as detailed in the confidential report.

Carried 34190213

Moved: Evans
Second: Francis

That Council authorise the General Manager to negotiate with the property owner for Council to acquire the property as outlined in the confidential report.

Carried 35190213

Open Council resumed at 8.30pm.

The Mayor advised that Resolutions 32190213, 33190213, 34190213 and 35190213 were made by Council while the meeting was closed to the public. There were no members of the public present.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 19 March 2013 commencing at 5.30pm in the Black Springs Community Hall, cnr Dog Rocks and Campbells River Road, Black Springs.

The Meeting closed at 8.31pm.

Confirmed this _____ day of _____ 2013.

General Manager

Mayor

General Manager

Mayor