



Shire of
Collie

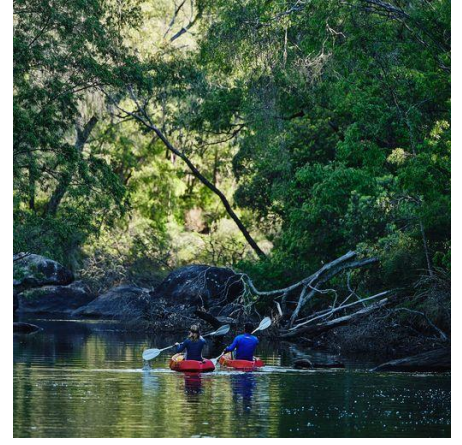
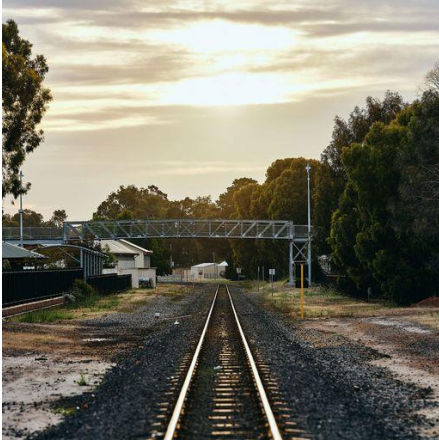
AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 12 November 2024



Our Vision

Collie - *A progressive community, rich in opportunities and as diverse as its heritage and landscape.*

Our Values

The core values at the heart of the Council's commitment to the community are:

Integrity

Transparency

Accountability

Collaboration

Respect

Our Commitment to Community

We will lead the delivery of our vision

We will support local business wherever possible

We will consult and engage with our community on issues that affect them

We will encourage, welcome and value feedback

We will encourage, support and advocate for our community

NOTICE OF MEETING

Please be advised that the



Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 12 November 2024

in Council Chambers at 87 Throssell Street, Collie WA

A handwritten signature in blue ink, appearing to read "Phil Anastasakis", is written over a horizontal line.

Phil Anastasakis
Chief Executive Officer

7 November 2024

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such. Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.



MEETING SCHEDULE

December 2024

Councillors are reminded of the following meeting. Please note that other meetings may be planned that are not shown here. Councillors are advised to contact the Committee's Presiding Member/Chairperson if in doubt.

Tuesday 10 December 2024

Ordinary Council Meeting
7.00pm in Council Chambers



DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the *Local Government Act 1995* and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest (see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting _____

2. Particulars recorded in the minutes _____

3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

- 5.23. (1) Subject to subsection (2), the following are to be open to members of the public
- (a) all Council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal --
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to --
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

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Prior to the commencement of the meeting, Mr Shane Sadlier, who was elected as Councillor for the Shire of Collie at the extraordinary election conducted on Thursday 5 December 2024, is to make a declaration to office as required by the *Local Government Act 1995* (s2.29).

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 12 November 2024 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 1.3 Councillors who are applying for Leave of Absence for this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

A 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council consideration towards the Public:

When public questions necessitate resolutions of Council, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates need for the public to wait an indeterminate period of time).

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL INTEREST

Councillors in attendance at meetings must disclose to the meeting any Agenda items upon which they have a Financial Interest. Section 5.65 of the *Local Government Act 1995* requires Councillors to: a) give written notification of a financial Interest before the meeting; or b) at the meeting immediately before the particular matter is discussed (notification can be given verbally).

A Disclosure of Financial Interest Form is attached to this Agenda (immediately behind the Index) and can be used by Councillors for disclosure purposes - simply tear out and hand to the Chief Executive Officer. Additional forms will always be available at Council/Committee meetings.

Should Councillors be unsure on Disclosure of Financial Interest matters, further clarification can be obtained by reading Sections 5.53 to 5.59 inclusive of the Act.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

- 5.1 Health Department Update on Collie Hospital by Dr Katy Templeman (Medical Co-Director), Jeremy Higgin (Operations Manager) & Barry Moroney.
- 5.2 Munroe Fire Tower Project Presentation by John Bylund on behalf of the Collie Rotary Club.

6. NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

6.1 – Appointment of the Director Development Services

6.2 – Legal Advice (Rates)

Councillors may disclose at this point any matters which they wish to have discussed 'behind closed doors' i.e. the meeting is closed to members of the public. Section 5.23 of the *Local Government Act 1995* applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

Any decision (of the meeting) to close the meeting or part of the meeting and the reasons for the decision are to be recorded in the Minutes of the meeting.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS**8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES****Officer's Recommendation:**

That Council confirms the Minutes of the Ordinary Meeting of Council held on 8 October 2024.

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Only items that have been deferred from a previous Ordinary Council Meeting for either further consideration by Councillors or for additional background information may be dealt with under this item. Details of Business Arising items will always be listed on the Agenda.

10. RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL**10.1 Bush Fires Advisory Committee Meeting****Officer's Recommendations:**

That Council receive the minutes of the Bush Fires Advisory Committee Meeting held on the 25 September 2024

Committee's Recommendations:

That Council adopts en bloc the committee recommendations contained within the minutes of the Bush Fire Advisory Committee held on the 25 September 2024.

8.1 Appointment of Chief and Deputy Chief Fire Control Officers

That the committee recommends that Council resolve to appoint the following personnel to the positions of Chief Fire Control Officer and Deputy Chief Fire Control Officer for a term of two years and in accordance with the Bush Fire Act 1954.

- 1. Darren Robinson as the Chief Bush Fire Control Officer*
- 2. Kohdy Flynn as the Deputy Chief Bush Fire Control Officer*

8.2 Appointment of Chief Fire Weather Officer and Deputy Chief Fire Weather Officer

That the committee recommends that Council resolve to appoint the following personal to the positions of Chief Fire Weather Officer and Deputy Chief Fire Weather Officer for a term of two years and in accordance with the Bush Fire Act 1954:

- 1. Kohdy Flynn as the Chief Weather Officer*
- 2. Julian Martin as the Deputy Weather Officer*

8.3 Appointment of Fire Control Officers

That the Committee recommend that Council resolve to appoint the following personnel and staff to the positions of Fire Control Officer for the 2024/25 Bushfire season in accordance with the Bush Fire Act 1954:

*Darren Robinson – Chief
Kohdy Flynn – Allanson/CESM
Declan Rochester - Collie Preston
Graham Genev – Worsley
Shaun Partyka - Shire Senior Ranger
Alyce Russell – Shire Community Ranger
Michael Hart – Harris River
Neil Waywood – Collieburn Cardiff
Shane Hickson – Collie VFRS
Terry Hunter – Collieburn Cardiff/Shire of Collie
Melissa Howard – Shire of Collie BRMC
Julian Martin – Shire of Collie*

8.4 Appointment of Brigade Officer Bearers

That the Committee recommend that Council resolve to endorse the officers elected to the Shire of Collie Bushfire Brigades for the 2024/2025 season as stated in the 2024 Annual General Meeting minutes of the five brigades within the Shire.

8.5 Review of the Bushfire Risk Management Plan

That the Committee recommend that Council resolve to endorse the updated Shire of Collie Bushfire Risk Management Plan for submission to the Department of Fire and Emergency Services, Office of Bushfire Risk Management.

10.2 Townscape & Environment Committee Meeting**Officer's Recommendations:**

That Council receive the minutes of the Townscape & Environment Committee Meeting held on the 9 October 2024.

Committee's Recommendations:

That Council adopts en bloc the committee recommendations contained within the minutes of the Townscape & Environment Committee held on the 9 October 2024.

8.1 Forrest Street Traffic Island - Proposal for Remediation Work

That Council endorses the remediation works to the Forrest Street Traffic Island spanning between Harvey Street and Steere Street North as listed below:

- a) *Demolition of existing traffic island structure, including red asphalt, kerbing, and removal of bollards;*
- b) *Removal of all trees and gardens beds from traffic island. Trees to be re-planted to appropriate Shire reserve locations;*
- c) *Installation of new red asphalt on limestone basecourse for replacement traffic island with minor repairs to road carriageway junctions, with the new traffic island delineated by line marking treatment in lieu of flush kerbing;*
- d) *Final design and staging of secondary fittings/features such as bollards, above ground planter boxes, and artwork treatments to traffic island will be subject to review by Townscape and Environment Committee, and final Council endorsement, once the design documentation has been received. No onsite work is to commence prior to this.*

8.2 Lions Park - Proposal for Infrastructure Upgrades

That the Council endorses the installation of infrastructure and equipment as listed below to Lions Park:

- a) *3-bay swing set, small climbing set, and other minor playground equipment piece, to the Lions Park Playground. Existing playground combination unit is to be refurbished for continued usage into the short-medium term;*
- b) *Replacement of existing canvas shade sails;*
- c) *Two existing gazebos at BBQ area to be replaced with a single larger patio structure with additional seating to be provided beneath.*

11. CEO REPORTS

Nil.

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – October 2024

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Local Government (Financial Management) Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.1.A – Accounts Paid –October 2024
Voting Requirement	Simple Majority

Report Purpose

To present the accounts paid during the month of October 2024.

Officer's Recommendation:

That Council accepts the list of accounts as presented in Appendix 12.1.A totalling \$1,036,571.62 authorised and paid in October 2024.

Background:

In accordance with Delegation 2.2.21- payments from the Municipal or Trust Funds adopted by Council on 8 August 2023, the Chief Executive Officer is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure, subject to subsequent budget amendment. In doing so, section 13 of the *Local Government (Financial Management) Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

Statutory and Policy Implications:

In accordance with Regulation 13 and 13A of the *Local Government (Financial Management) Regulations 1996*, if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month. The list is to include the payee's name; the amount of the payment; the date of the payment; and sufficient information to identify the transaction.

Council Policy CS3.7 relates to the payment of creditors, and in particular item 5.0 which relates to the presentation of accounts paid. A list of all accounts paid shall be presented to Council within two months. The list shall comprise of details as prescribed in the *Local Government (Financial Management) Regulations 1996*.

Budget Implications:

All liabilities settled have been in accordance with the annual budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Not applicable.

Comment:

A listing of payments is included in Appendix 12.1 A

Where possible, questions on specific payments should be submitted to the Director Corporate Services before noon on the day of the scheduled meeting. This will ensure a response can be provided at the Council Meeting.

12.2 Financial Management Report – September 2024

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.2.A – Financial Report – September 2024
Voting Requirement	Simple Majority

Report Purpose

To provide a summary of the financial position for the Shire of Collie for the month ending September 2024.

Officer’s Recommendation:

That Council accept the Financial Management Report for September 2024 as presented in Appendix 12.2.A.

Background:

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report required for the end of the period is presented to Council for information. Refer to Appendix 12.2.A.

The report is to be presented to an Ordinary Meeting of Council within two months of the end of the reporting period.

Statutory and Policy Implications:

Regulation 34 (1) (a) of the *Local Government (Financial Management) Regulations 1996* states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates; budget estimates to the end of the month to which the statement relates; actual amounts of expenditure, revenue and income to the end of the month to which to which the statement relates, material variances between monthly budget and actual figures, and net current assets on a monthly basis.

In accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996* each year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances. In this case, the Shire of Collie has adopted the material variance of 10% or \$10,000, whichever is greater, for reporting variations to the Budget in the monthly statement of financial activity reported to Council.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Not applicable.

Comment:

The financial statements provided in Appendix 12.2.A reports on the following information for the reporting period:

- Rate Setting Statement by Nature and Type
- Material Variances
- Cash and Investments

End of year reconciliations for the 2023/24 financial year are still being finalised which may affect the figures in this report.

Where possible, questions relating the report should be submitted to the Director Corporate Services before noon on the day of the scheduled meeting. This will ensure a response can be provided at the Council Meeting.

13. DEVELOPMENT SERVICES REPORTS

Nil

14. OPERATIONS REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

15.1 Variation to Policy CS2.2 – Purchase of Gift

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995 Section 5.50</i>
File Number:	GOV/001
Appendices:	Nil
Voting Requirement:	Absolute Majority

Report Purpose

To consider endorsing a severance gift that is in excess of the Council Policy.

Notice of Motion – Cr Miffling:

That the Council endorse the purchase of a severance gift valued at \$350 for the Acting Chief Executive Officer/Director of Development Services in recognition of his service to the Shire of Collie.

The Shire of Collie's Director of Development Services, who has been acting in the role of Chief Executive Officer for the past five months, has recently resigned following three and a half years service.

An afternoon tea to acknowledge his tenure and contributions to the Shire was held on 24 October 2024, where he was presented with a gift of a locally made craft item and a Collie Chamber of Commerce gift voucher with a combined value of \$350.

The value exceeds the amount allowed for under the Shires Policy No. CS 2.2, and Council is requested to consider approving the purchase.

Statutory and Policy Implications:

In accordance with Section 5.50 of the *Local Government Act 1995*, a local government is to prepare a policy in relation to payments in excess of entitlements under awards or employment contracts, for employees finishing their service to the local government.

The Shire of Collie Policy CS2.2 provides for a gift in accordance with the following thresholds:

5 ≤ years < 7	\$150
7 ≤ years < 10	\$250
10 ≤ years < 15	\$350
15 ≤ years < 20	\$500
20 years or more	\$750;

or any other amount in accordance with the *Local Government Act* (ref 2.1) at the discretion and by an Absolute Majority Resolution of the Council.

Budget Implications:

There are sufficient funds in the budget for the request.

Communications Requirements: (Policy No. CS 1.7)

Not applicable.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Business
Outcome:	5.1	Innovative leadership, forward planning and mutually beneficial partnerships

Relevant Precedents:

In June, Council supported providing the previous Chief Executive Officer with a gift to the value of \$500.

Comment:

Mr Young has led the Development Services team through a major period of Collie's transition, as well as providing leadership to the organisation for the past five months in the role of Acting Chief Executive Officer. A gift with a value of \$350 is considered appropriate to recognise his significant contribution.

16. QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Members have the ability to submit notices of questions between meetings and up to a time prescribed in standing orders before a meeting.

17. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

18. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

19. STATUS REPORT ON COUNCIL RESOLUTIONS

Summary reports on the status of Council's resolutions are:

- 'Closed Since Last Meeting' at Appendix 19.1.A
- 'All Open' at Appendix 19.1.B

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Officer's Recommendation:

That in accordance with the Local Government Act 1995, S 5.23, section (2)(a) and (2)(d) Council goes Behind Closed Doors [time] to discuss a matter affecting an employee and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting matter.

20.1 Appointment of Director Development Services

Reporting Department:	Chief Executive Officer
Reporting Officer:	Phil Anastasakis - Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	20.1.A Assessment Report on Applicants
Voting Requirement:	Simple Majority

This report is confidential in accordance with Section 5.23(2)(a) of *the Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter affecting an employee which is to be discussed at the meeting.

A confidential report will be circulated to members under separate cover (Confidential Report 20.1.A). The report is not for circulation.

20.2 Legal Advice (Rates)	
Reporting Department:	Chief Executive Officer
Reporting Officer:	Phil Anastasakis - Chief Executive Officer
Accountable Manager:	Phil Anastasakis – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/002
Appendices:	20.2.A Legal Advice
Voting Requirement:	Simple Majority

This report is confidential in accordance with Section 5.23(2)(d) of *the Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

A confidential report will be circulated to members under separate cover (Confidential Report 20.2.A). The report is not for circulation.

Officer's Recommendation:

That Council return from Behind Closed Doors [time].

21. CLOSE

There being no further business the Presiding Officer to declare the meeting closed.