

MINUTES ORDINARY MEETING OF COUNCIL

15TH OF NOVEMBER 2016

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **6:30pm**

to be held on

Tuesday, 15TH of NOVEMBER 2016

in Council Chambers at Austin Street, Cue WA

Rob Madson Chief Executive Officer 11th of November 2016

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.

SHIRE OF CUE

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				
Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest
	t disclose extent of		ision making process (see or Committee requires the	
NB	,	o.ga.a.		
 This notice m immediately be (a) & (b). It remains Commatter arises It is a Councity Council/Commatter 	pefore the matter in nuncillors'/Employee during the course of llor's/Employee's re mittee when the Ag	which you have decles' responsibility to more a meeting and no persponsibility to ensure enda item arises and	er prior to the meeting or ared an interest is discuss ake further declarations to revious declarations have the interest is brought to to ensure that it is record the/she does not vote on	the Council if a been made. the attention of the led in the minutes.

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	
<u> </u>	

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.

SHIRE OF CUE

REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS

Local Government (Administration) Regulations 1996 (Regulation No.10)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

-	
To the Presiding Member,	
be held on	eir support for the bringing forward to the Council meeting to of a motion for revocation of Council resolution numbe cil at its meeting held on
Councillor's Names	Councillor's Signature

SHIRE OF CUE

Ordinary Council Meeting

MINUTES

held in	the Council Chambers, Austin Street Cue on Tuesday 15 th of November 2016 commencing at 6:30pm.	_
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1. OFFICIAL OPENING

The Shire President welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Ian Dennis

Councillor Leonie Fitzpatrick

Councillor Pixie Pigdon

Councillor Fred Spindler

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Manager Finance

Mrs Noelene Meredith, Manager Corporate & Community Services

Mrs Janelle Duncan, Customer Service Officer

GALLERY:

Mr Terry Bloxsome

Mr Ernie Campbell (left at 6:34pm)

Mrs Liz Houghton

Mr Brian Liau, Civic Legal

Mr Anthony Quahe, Civic Legal

2. PUBLIC QUESTION TIME

Mr Ernie Campbell, Darlot Street, Cue

Now that the Golden Crown buildings have been removed, what is the next building to go from Cue?

Mr Campbell left the meeting without waiting for a response.

Mr Terry Bloxsome, 65 Stewart Street, Cue

Why was the dozer used to dig the rubbish tip trench, taking four days, when an excavator could be hired to dig it deeper and neater in a day for \$1500? Why is so much dirt used to cover the rubbish tip?

The CEO advised that the Shire had hired competent staff to make those decisions based on previous experience.

Recent works on the Cue-Wondinong Road used a grader, water truck and roller for a maintenance grade. Why did the Shire sell the four wheel drive that was towed behind the grader and allowed the grader driver to work alone?

Can some shade be put in the park next to the water park for families that visit? Why don't you cut down the shed built for staff car parking and put that there?

RV park – do we have one?

The CEO advised there is an RV park under development, with grant funding for the installation of a dump point and water connection. Further facilities are proposed after other projects have been finalised.

Where is the sign on the highway advising there is an RV park? Where is the tap?

Unanswered questions were taken on notice.

3. APOLOGIES AND LEAVE OF ABSENCE

Councillor Les Price and Councillor Ron Hogben

PETITIONS/PRESENTATIONS/SUBMISSIONS 4.

Nil

CONFIRMATION OF MINUTES

Council Decision: 01112016

MOVED: CR DENNIS SECONDED: CR P PIGDON

That the Minutes of the Ordinary Meeting of 18th of October 2016 are confirmed as a true and correct

record of the meeting.

CARRIED: 4/1 AGAINST: CR FITZPATRICK

ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION. 6.

Nil

MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS 7.

Nil

8.1 ACCOUNTS & STATEM	ENTS OF ACCOUNTS
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	11 November 2016
Matters for Consideration:	
To receive the List of Accounts I November 2016 as attached – se	Due & Submitted to Ordinary Council Meeting on Tuesday 15 th of ee <i>Appendix 1</i>
Comments:	
The list of accounts is for the mo	onth of October 2016.
Background:	
municipal and trust funds is requaccount paid and presented to C	delegated authority to the CEO to make payments from the lired to prepare a list of accounts each month showing each council at the next ordinary Council meeting. The list of accounts licil must form part of the minutes of that meeting.
Statutory Environment:	
Local Government (Financial Ma	nagement Regulations) 1996 – Clause 13.
Policy Implications:	
Nil	
Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
Nil	

Officer's Recommendation:	Voting requirement	it: Simple Majority
		October 2016 to 31 st of October 2016 ted authority per LGA 1995 S5.42.
Municipal Fund Bank EFTs	4285-4390	\$2,208,568.83
Direct Debit Fund Transfer		\$ 23,443.15
Payroll		\$ 94,083.52
BPAY		\$ 21,056.10
Cheques		\$
Total	-	\$2,347,151.60
Council Decision 02112016	Voting requiremen	nt: Simple Majority
MOVED: CR P PIGDON	SECONDED	: CR DENNIS
That Council endorse the payme	ents for the period 1st of	: CR DENNIS October 2016 to 31 st of October 2016 ed authority per LGA 1995 S5.42.
That Council endorse the payme	ents for the period 1st of	October 2016 to 31 st of October 2016
That Council endorse the payme listed, which have been made in	ents for the period 1 st of accordance with delegat	October 2016 to 31 st of October 2016 ed authority per LGA 1995 S5.42.
That Council endorse the paymelisted, which have been made in Municipal Fund Bank EFTs	ents for the period 1 st of accordance with delegat	October 2016 to 31 st of October 2016 red authority per LGA 1995 S5.42. \$2,208,568.83
That Council endorse the paymelisted, which have been made in Municipal Fund Bank EFTs Direct Debit Fund Transfer	ents for the period 1 st of accordance with delegat	October 2016 to 31 st of October 2016 red authority per LGA 1995 S5.42. \$2,208,568.83 \$23,443.15

CARRIED: 5/0

8.2 FINANCIAL STATEMEN	Т	
APPLICANT:	Shire of Cue	
DISCLOSURE OF INTEREST:	Nil	
AUTHOR:	Richard Towell – Manager Finance	
DATE:	11 November 2016	
Matters for consideration:		
following reports: Statement of Financial Active Significant Accounting Pole Graphical Representation Net Current Funding Position Cash and Investments Major Variances Budget Amendments Receivables Grants and Contributions Cash Backed Reserve Capital Disposals and Active Trust Fund	olicies n – Source Statement of Financial Activity ition	
Comments:		
<u>'</u>	ity is for the month of October 2016.	
	.,	
Financial Activity must be submitted of the month to which the state document but presents a complete the com	nancial Management Regulations 1996), a monthly Statemented to an Ordinary Council meeting within 2 months after the element relates. The statement of financial activity is a compete overview of the financial position of the local governmentement of Financial Activity for each month must be adopted utes.	
Statutory Environment:		
	(D	
Local Government (Financial Ma	nagement Regulations) 1996 – Clause 14.	

Nil

Nil

Financial Implications:

Strategic Implications:	
Nil	
Consultation:	
RSM Bird Cameron Chartered A	ccountants
Officer's Recommendation:	
That Council receive the Financia	al Statements, prepared in accordance with the Local Government tions, for the period ended 31 st October 2016.
Council Decision 03112016	Voting requirement: Simple Majority
MOVED: CR SPINDLER	SECONDED: CR DENNIS
	al Statements, prepared in accordance with the Local Government tions, for the period ended 31st October 2016.
CARRIED 5/0	

8.3 WRITE OFF OF SUNDR	Y DEBTOR	
APPLICANT:	Shire of Cue	
DISCLOSURE OF INTEREST:	Nil	
AUTHOR:	Richard Towell – Manager Finance	
DATE:	11 November 2016	
Matters for Consideration:		
To write off the outstanding debtor while manoeuvring a truck and tra	amount of \$651.20 owing by Anthony Bardile for damage caused to a kerb iler in Darlot Street Cue	
Background:		
Street Cue. The incident was with	railer known as the Lamb Van caused damage to the road kerb in Darlot lessed by a Shire employee. The quote to repair the kerb of \$651.20 was ng the owner of the vehicle causing the damage.	
Comments::		
Numerous attempts have been made to recover this outstanding amount and to contact Anthony Bardile without success. Given the relatively small amount owing and the age of the debt, it would not be a prudent use of council resources to continue pursuing this action and it is recommended that this amount be written off as uncollectable. The amount of the outstanding debtor is outside of the CEO's delegated authority and requires a decision from Council to write off the debt.		
Statutory Environment:		
•	ion 6.12. – Power to defer, grant discounts, waive or write off debts.	
Policy Implications:	g	
Shire of Cue Policy Manual, Policy	v D1 – Debt Recovery	
Financial Implications:		
	ount of \$651.20 will be offset against Councils provision for doubtful debts is account currently has an allocation of \$35,500 and the expected balance his amount will be \$8,205.	
Strategic Implications:		
Nil		
Consultation:		
Rob Madson – Chief Executive Of	ficer	
Peter Hutchinson – Former Manaç	ger of Finance – Shire of Cue	

Officer's Recommendation: Voting requirement: Simple Majority

That Council write off the sundry debtor amount owing by Anthony Bardile of \$651.20 for damage caused to the kerb in Darlot Street Cue.

Council Decision 04112016 Voting requirement: Simple Majority

MOVED: CR FITZPATRICK SECONDED CR P PIGDON

That this matter be deferred until the next Ordinary Meeting of Council to be held on 21 December 2016.

CARRIED: 5/0

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	
AUTHOR:	Richard Towell – Manager Finance
DATE:	10 November 2016
Matters for Consideration:	

Background:

The Shire of Cue fees and charges were adopted by Council at the Special Meeting of Council held on 9 June 2016. Standpipe water charges were increased from \$143.45 to \$147.00 in line with the 2.5% indexed increase.

Metals X have approached the Chief Executive Officer and requested that the Shire review its current charges for standpipe water on the ground that they will be requiring regular amounts of potable water for staff at their mining site operations.

Comments::

A review of standpipe revenue and expenditure and the costs involved in delivering this service in terms of staff time and administration costs does allow some room to reduce the cost of this service. The cost of the water from Water Corp is currently costing \$2.256 per kilolitre. This equates to approximately \$25 per load. Allowing \$15 for administration costs including stationery and \$50 for Works costs to deliver and maintain the service, the Shire of Cue can provide this service for \$90.00 per 10,000 litres.

Statutory Environment:

Local Government Act 1995,

Section 1.7 - Local Public Notice.

Section 6 - Subdivision 2 - Fees and Charges

- 6.16. Imposition of fees and charges
 - (3) Fees and charges are to be imposed when adopting the annual budget but may be
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
 - * Absolute majority required.
- 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

ONDINAL	NT MEETING - 15 NOVEMBER 2010
Policy Implications:	
Nil	
Financial Implications:	
community and sufficiently cover the C	s being applied to the services offered represent fair value for the Councils costs of providing the service. A budget allocation of \$1,000 sales, a higher estimated volume at lower cost will have limited or no and charges.
Strategic Implications:	
Nil	
Consultation:	
Rob Madson – Chief Executive Officer	
Officer's Recommendation:	Voting requirement: Absolute Majority Required
That Council:	
By absolute majority, amend the Shire up to 10,000 litres.	of Cue adopted Fees and Charges for 2016-2017, Standpipe water
From: \$147.00 To: \$90.00	
And give local public notice of the ame take effect from 1 December 2016.	endment to the Shire of Cue adopted 2016-2017 Fees and Charges to
Council Decision 05112016	Voting requirement: Absolute Majority
MOVED: CR FITZPATRICK	SECONDED CR DENNIS
That Council:	
By absolute majority, amend the Shire up to 10,000 litres.	of Cue adopted Fees and Charges for 2016-2017, Standpipe water
From: \$147.00 To: \$90.00	
And give local public notice of the ame take effect from 1 December 2016.	endment to the Shire of Cue adopted 2016-2017 Fees and Charges to

CARRIED: 5/0

8.5 NORTHWESTERN MINI	NG CO MINING LEASES SITUATED ON CUE TOWNSITE
APPLICANT:	Department of Mines and Petroleum
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson - Chief Executive Officer
DATE:	11 November 2016
Matters for Consideration:	

Agreement to impose an endorsement and condition proposed by the Department of Mines and Petroleum on mining leases held by Northwestern Mining Co Pty Ltd encroaching on Cue townsite.

Background:

The Minister for Mines and Petroleum is obligated to consult with Council before granting permission to mine in a townsite. This process was not followed when applications for two mining tenements were lodged by Northwestern Mining Co Pty Ltd. The Department of Mines and Petroleum has written to Council to correct this administrative oversight, proposing that if Council is in agreement with allowing mining activity in the area that the following endorsement and condition be imposed upon the tenement:

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within Cue Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.

Comments:

A copy of the Tengraph map showing the location of the licences applied for is attached at *Appendix 3* (to be distributed at meeting).

Council Policy C.1 (Noted below) will be brought to the attention of the DMP in the response to this application.

Sections 23 to 26 of the Mining Act 1978. (As notified in DMP correspondence) Policy Implications:

Cue Townsite

- 1.1 The shire generally opposes the granting of any mining lease or license that may affect;
- a) The satisfactory continuation of existing urban uses within and adjacent to the existing townsite; and
- b) The planned use of the land in the vicinity of the townsite.
- c) The Council may by decision permit limited mining activities within Cue townsite but only under conditions that will be determined at the time by the Council.

1.2 The Council may approve mining activities close to but external from the Cue townsite and such conditional approval may include but will not be limited to landscaping, dust/noise suppression measures, and any other provisions considered by the Council to be necessary to protect and preserve the amenity of the existing nearby uses especially residential uses.		
Financial Implications:		
Nil		
Strategic Implications:		
Nil		
Consultation:		
Nil		
Officer's Recommendation:		
That Council advise the Department of Mining and Petroleum that they agree to the endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land		
and the condition:		
Access to the surface of land within Cue Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.		
being imposed on tenements M 20/466 and M 20/467.		

Council Decision 06112016 Voting requirement: Simple majority

MOVED: CR SPINDLER SECONDED CR DENNIS

That Council advise the Department of Mining and Petroleum that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land

and the condition:

Access to the surface of land within Cue Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.

being imposed on tenements M 20/466 and M 20/467.

CARRIED: 4/1 AGAINST CR FITZPATRICK

	DSPECTING LICENCES SITUATED ON CUE TOWNSITE
APPLICANT:	Department of Mines and Petroleum
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson - Chief Executive Officer
DATE:	11 November 2016
Matters for Consideration:	

Agreement to impose an endorsement and condition proposed by the Department of Mines and Petroleum on prospecting licences held by Western Mining Pty Ltd encroaching on Cue townsite.

Background:

The Minister for Mines and Petroleum is obligated to consult with Council before granting permission to mine in a townsite. This process was not followed when applications for two prospecting tenements were lodged by Western Mining Pty Ltd, one in 2008 and one in 2014. The Department of Mines and Petroleum has written to Council to correct this administrative oversight, proposing that if Council is in agreement with allowing mining activity in the area that the following endorsement and condition be imposed upon the tenement:

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within Cue Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.

Comments:

A copy of the Tengraph map showing the location of the licences applied for is attached at *Appendix 4* (to be distributed at meeting).

Council Policy C.1 (Noted below) will be brought to the attention of the DMP in the response to this application.

Sections 23 to 26 of the Mining Act 1978. (As notified in DMP correspondence) Policy Implications:

Cue Townsite

- 1.1 The shire generally opposes the granting of any mining lease or license that may affect;
- a) The satisfactory continuation of existing urban uses within and adjacent to the existing townsite; and
- b) The planned use of the land in the vicinity of the townsite.
- c) The Council may by decision permit limited mining activities within Cue townsite but only under conditions that will be determined at the time by the Council.

1.2 The Council may approve mining activities close to but external from the Cue townsite and such conditional approval may include but will not be limited to landscaping, dust/noise suppression measures, and any other provisions considered by the Council to be necessary to protect and preserve the amenity of the existing nearby uses especially residential uses.			
Financial Implications:			
Nil			
Strategic Implications:			
Nil			
Consultation:			
Nil			
Officer's Recommendation:			
The grant of this lease does not in except that below 30 metres from and the condition: Access to the surface of land with local Authority or relevant reser	hin Cue Townsite for mining purposes being subject to the approval of the eve vestees, and mining activities within the first 100 metres below the ed to such exploration activities as may be approved by the Director,		
Council Decision 07112016	Voting requirement: Simple majority		
MOVED: CR DENNIS	SECONDED CR P PIGDON		
That Council advise the Departme	ent of Mining and Petroleum that they agree to the endorsement:		
The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 197 except that below 30 metres from the natural surface of the land			
and the condition:			
local Authority or relevant reserve	nin Cue Townsite for mining purposes being subject to the approval of the vestees, and mining activities within the first 100 metres below the surface exploration activities as may be approved by the Director, Environment, 0/2073 and P 20/2232.		
CARRIED: 4/1	AGAINST CR FITZPATRICK		

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil			
10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN			
Nil			
11. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION			
12. MATTERS BEHIND CLOSED DOORS			
Nil			
42 CLOSURE			
13. CLOSURE The President thanked those present for attending the meeting and declared the meeting closed			
at 7:05pm			
To be confirmed at Ordinary Meeting on the 20th of December 2016			
Signed:			
Presiding member at the Meeting at which time the Minutes were confirmed.			