



SPECIAL MEETING

12th of January 2016

MINUTES

NOTICE OF MEETING

A Special Meeting of the Shire of Cue

To be held on 12th of January 2016

in the Council Chambers commencing at 6.30 PM

**The purpose of the Meeting is to adopt the 2014/15 Annual Report
and Financial Statements**

Phill Marshall

Acting Chief Executive Officer

Shire of Cue
MINUTES
Special Council Meeting

Held in the Shire of Cue Council Chambers, Austin Street, Cue on Tuesday the 12th of January 2016
commencing at 6.30pm.

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1. OFFICIAL OPENING

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

Councillor Les Price

Councillor Leonie Fitzpatrick

Councillor Ron Hogben

Councillor Pixie Pigdon

STAFF:

Mr Phill Marshall, Acting Chief Executive Officer

Mrs Noelene Meredith, Manager Corporate & Community Services

Mr Richard Towell, Acting Manager Finance

GALLERY:

Mr Roger Le Maitre (left at 6:51pm)

Mr Fred Spindler (left at 6:51pm)

2. PUBLIC QUESTION TIME

Roger Le Maitre

1. The purpose of the meeting is simply stated "to adopt the 2014/15 annual report and financial statements." The other items 8.2, 8.3, 8.4 cannot be dealt with at this meeting as they have not been listed.

The Acting Chief Executive Officer advised that section 4.1.2 of the Shire of Cue Standing Orders Local Law states that:

"No business is to be transacted at a special meeting of the Council other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given."

Therefore items 8.2, 8.3 and 8.4 as listed in the Agenda have been withdrawn and will be held over to a future meeting.

The Acting Chief Executive Officer made a mistake in his understanding and apologised to Council and thanked Mr Le Maitre for bringing this to his attention.

2. I see no record of the audit committee having met to review the financial statements, and then make recommendations and comment to council. Even if the audit committee members are the same as council the process cannot be circumvented as to do so would mean the committee is not fulfilling its role and function.

The Acting Chief Executive Officer responded:

In regards to the Audit Committee, I cannot find anything in the Local Government Act or the Audit regulations which states that the Audit Committee would review the annual financial statements and recommends to the Council that they proceed to consider the officers recommendation.

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Ian Dennis

Council Decision 01012016

MOVED: CR FITZPATRICK SECONDED: CR P PIGDON

That apologies be accepted from Cr Ian Dennis for the Special Meeting of 12th January 2016.

CARRIED: 5/0

4. PETITIONS / PRESENTATIONS / SUBMISSIONS

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

6. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

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

Council Decision 02012016

MOVED: CR PRICE SECONDED: CR R HOGBEN

That in accordance with clause 4.9 Urgent Business and that it is of extreme urgency as that the nature of business is such that it cannot wait inclusion in the agenda for the next meeting CEO appointment.

CARRIED: 5/0

8. REPORTS

8.1 2014/15 ANNUAL REPORT	
APPLICANT:	Shire of Cue
FILE:	
DISCLOSURE OF INTEREST:	None
AUTHOR:	Phill Marshall – Acting Chief Executive Officer
DATE:	7 January 2016
Matters for Consideration:	
<p>The 2014/15 Annual Report and Management Report are presented (refer to Appendices 1 & 2) to Council for adoption. It is also necessary for Council to set a date for the Annual General Meeting of Electors.</p>	
Background:	
<p>Council has an obligation under the <i>Local Government Act 1995</i> to prepare an Annual Report and to present the report to the community.</p>	
Comments:	
<p>The 2014/15 Annual Report includes:</p> <ul style="list-style-type: none"> • Shire President's Report • Chief Executive Officer's Report – including Statutory Reports • Audited Financial Statements • Auditor's Report <p>The report outlines the activities undertaken during 2014/15 together with the financial position of the Shire of Cue as at 30th June 2015.</p> <p>There were no statutory non-compliance matters raised in the Auditor's Report.</p>	
Statutory Environment:	
<p>Local Government Act 1995</p> <p>Subdivision 4 – Electors' meetings</p> <p>5.26. <i>Term used: electors</i></p> <p><i>In this Subdivision —</i></p> <p>electors includes ratepayers.</p> <p>5.27. <i>Electors' general meetings</i></p> <p>(1) <i>A general meeting of the electors of a district is to be held once every financial year.</i></p>	

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

(3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

(1) The CEO is to convene an electors' meeting by giving —

(a) at least 14 days' local public notice; and

(b) each council member at least 14 days' notice,

of the date, time, place and purpose of the meeting.

(2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.30. Who presides at electors' meetings

(1) The mayor or president is to preside at electors' meetings.

(2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.

(3) If the circumstances mentioned in section 5.34(a) or (b) apply and —

(a) the office of deputy mayor or deputy president is vacant; or

(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

(a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and

(b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose,

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Division 5 — Annual reports and planning

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report is to contain —*
 - (a) a report from the mayor or president; and*
 - (b) a report from the CEO; and*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) the financial report for the financial year; and*
 - (g) such information as may be prescribed in relation to the payments made to employees; and*
 - (h) the auditor's report for the financial year; and*
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) the number of complaints recorded in the register of complaints; and*
 - (ii) how the recorded complaints were dealt with; and*
 - (iii) any other details that the regulations may require;*
- and*
- (i) such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Division 3 — Conduct of audit

7.9. Audit to be conducted

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - (a) *the mayor or president; and*
 - (b) *the CEO of the local government; and*
 - (c) *the Minister.*
- (2) *Without limiting the generality of subsection (1), where the auditor considers that*
 - (a) *there is any error or deficiency in an account or financial report submitted for audit; or*
 - (b) *any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or*
 - (c) *there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.*
- (3) *The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*
 - (a) *prepare a report thereon; and*
 - (b) *forward a copy of that report to the Minister, and that direction has effect according to its terms.*
- (4) *If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.*

Local Government (Administration) Regulations 1996**Part 3 — Electors' meetings***15. Matters to be discussed at general meeting (Act s. 5.27(3))*

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

17. Voting at meeting (Act s. 5.31)

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.*

18. Procedure at meeting (Act s. 5.31)

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

Policy Implications:	
Nil	
Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
Nil	

Officer's Recommendation:	Voting requirement: Absolute Majority
<p><i>That Council:</i></p> <p>a) <i>Adopts the 2014/15 Annual Report as presented, including:</i></p> <ul style="list-style-type: none"> • <i>2014/15 Annual Report;</i> • <i>Audited Annual Financial Statements;</i> • <i>Audit Report;</i> • <i>Management Report;</i> <p><i>and give local public notice in accordance with section 5.55 of the Local Government Act 1995;</i></p> <p>b) <i>Determine that the Annual General Meeting of Electors be held on Wednesday 10th February 2016 at 6.30 pm in the Council Chambers and give local public notice in accordance with section 5.29 of the Local Government Act 1995.</i></p>	
Council Decision 03012016:	
<p>MOVED: CR P PIGDON SECONDED: CR HOGBEN</p> <p><i>That Council:</i></p> <p>c) <i>Adopts the 2014/15 Annual Report as presented, including:</i></p> <ul style="list-style-type: none"> • <i>2014/15 Annual Report;</i> • <i>Audited Annual Financial Statements;</i> • <i>Audit Report;</i> • <i>Management Report;</i> <p><i>and give local public notice in accordance with section 5.55 of the Local Government Act 1995;</i></p> <p><i>Determine that the Annual General Meeting of Electors be held on Wednesday 10th February 2016 at 6.30 pm in the Council Chambers and give local public notice in accordance with section 5.29 of the Local Government Act 1995.</i></p> <p>CARRIED: 5/0</p>	

8.2 APPROVAL OF CARETAKER'S DWELLING LOTS 9 & 200 AUSTIN ST CUE, SITE FORMERLY KNOW AS CUE MOTORS	
APPLICANT:	WA 2 GO Pty Ltd
FILE:	TBA
DISCLOSURE OF INTEREST:	None
AUTHOR:	Philip Swain
REPORT DATE:	19 January 2015
<i>Matters for Consideration:</i>	
To approve an application for a “caretaker’s dwelling” to be located at Lots 9 & 200 Austin St Cue, the site of a current “service station” operation, in the buildings formerly known as Cue Motors, subject to conditions.	
<i>Applicant’s Submission:</i>	
The Shire of Cue has received application from the landowner WA2GO Pty Ltd to construct a two (2) bedroom, transportable dwelling on Lots 9 & 200 Austin St, Cue, to be used as a “caretaker’s dwelling” by the current leasee on the lots. Please refer to Appendix 3	
<i>Background:</i>	
The Shire of Cue Town Planning Scheme No. 2 states that a “caretaker’s dwelling” is a “D” use within a commercial zone, meaning that the use is not permitted unless Council has used its discretion by granting development approval, after due consideration. The Lots are located within the Commercial Zone under the Shire’s Town Planning Scheme and currently operate as a “service station” under lease, by the landowner. The business currently employs one person who operates generally standard working hours.	
The property owner has made application to construct a “caretaker’s dwelling” on the lot for the use of the business proprietor. It is necessary for Council to approve the “caretaker dwelling” using its discretion in this matter, for the construction to be permitted.	
<i>Statutory Environment:</i>	
Shire of Cue Town Planning Scheme No.2 (District Scheme) controls development within the Shire. A “caretaker’s dwelling” is a “D” use within the commercial zone within Cue Townsite. 'D' means that the use is not permitted unless Council, at its discretion, permits the use.	
<i>Policy Implications:</i>	
The proponent has indicated an intention to seek approval in accordance with Council Policy B9 - Temporary Accommodation While Building A Dwelling and the estimated completion for the dwelling construction is, at most, 12 months.	
<i>Financial Implications:</i>	
Standard fees and charges apply to the application for planning approval. A Building Permit as a result of this approval, will be subject to normal requirements and fees.	
<i>Strategic Implications:</i>	
The Shire’s TPS1 is a strategic organisational document and adherence to it assists good and proper planning within the Shire.	

Consultation:	
<p>The Shire is not obligated to seek comments from adjoin residents however given the close proximity of a noise sensitive business to the southern boundary of the site, this proposal was referred to the proprietors of the Queen of the Murchison Bed & Breakfast. No submission in relation to the proposal was received from the proprietors at the end of a 14 day allocated for the same.</p>	
Comment:	
<p>The proposal is in keeping with several properties along Austin St that operate as business premises and include a residential caretaker component. There are also existing shop front properties that are utilized as residential premises.</p> <p>It should be noted that the residential component of the development will need to comply with the requirements of the National Construction Code (NCC) for a single residential dwelling. Factors such as the provision of bathroom, laundry, kitchen, dormitory and living areas need to be provided for. The proposed transportable unit can satisfy the requirements and is of a good standard and identical to a unit recently relocated to Cue for use as a “caretaker’s dwelling” at the Cue Roadhouse.</p> <p>The proposed structure is located over an existing lot line between the two (2) lots, and as a matter of good practice the Shire has required in recent years, that the owners of lots where businesses are located on multiple lots, amalgamate the same. In this case the service station operation operates partially on both lots and the amalgamation is recommended.</p>	
Officer’s Recommendation:	<p>Voting requirement: Simple majority</p>
<p><i>That Council resolve to grant approval to the application from WA2GO Pty Ltd relating to Lots 9 & 200 Austin St, Cue to construct a “caretaker’s dwelling”, subject to compliance with the following conditions:</i></p> <ol style="list-style-type: none"> a. <i>That lots 9 & 200 Austin St Cue be amalgamated and that the proponent enter into an agreement, to undertake the amalgamation, prior to the issue of a Building Permit for the caretaker residence;</i> b. <i>That the applicant make application for a building permit for the caretakers dwelling satisfying the requirements of the National Construction Code (NCC) with respect to a Class 1 dwelling;</i> c. <i>That the applicant make application for the approval of an on-site effluent disposal system in accordance with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;</i> d. <i>That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only;</i> e. <i>The applicant seeking the approval of the Water Corporation for the development;</i> f. <i>That all storm water from the development being retained on site with a minimum capacity of 1m³ per 80m² of runoff.</i> 	
Council Decision:	
<p>MOVED: SECONDED:</p> <p>CARRIED:</p> <p>Item not dealt with and to be carried forward to next available meeting. Clause 4.1 (2) of Standing Orders Local Law 2015 refers.</p>	

8.3 EXTRAORDINARY ELECTION – CHANGE OF DATE	
APPLICANT:	Shire of Cue
FILE:	Extraordinary Election
DISCLOSURE OF INTEREST:	Nil to this Report
AUTHOR:	Phillip Marshall - Acting Chief Executive Officer
DATE:	5 th January 2016
SIGNATURE:	
Matters for Consideration:	In accordance with the Local Government Act 1995 to change the date of the extraordinary election from Saturday 2 nd April 2016 to Friday 1 st April 2016.
Background:	<p>Former Cr Tegg resigned from the Council effective the 7th December 2015.</p> <p>The resignation was received by the Acting CEO and accepted on the 7th December 2015 in accordance with Section 2.13 of the Local Government Act 1995.</p>
Comments:	<p>At the Ordinary Meeting of Council held on 15th December 2015 Council resolved the following:</p> <ol style="list-style-type: none"> 1. That the council by an absolute majority in accordance with section 4.61(2) of the Local Government Act 1995 conduct a postal election 2. That the Council determine that in accordance with Section 4.9 (1)(b) fix the date of the election to be Saturday 2nd April 2016 3. That the Council inform the Electoral Commission to conduct the extraordinary election as a postal election on behalf of the Council and for the Electoral Commission to appoint a returning officer in accordance with section 4.20(4) of the Local Government Act 1995 after obtaining the written agreement of the Electoral Commissioner. <p>Council has now been advised by the Electoral Commission that many councils hold their extraordinary elections on a Friday to reduce the cost of the election.</p>

Statutory Environment:	<p>LOCAL GOVERNMENT ACT 1995 - SECT 2.31</p> <p>LOCAL GOVERNMENT ACT 1995 - SECT 4.9</p> <p>4.9 . Election day for extraordinary election</p> <p>(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —</p> <p>(a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or</p> <p>(b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).</p> <p>(2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.</p> <p>(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —</p> <p>(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and</p> <p>(b) advise the CEO of the day fixed.</p>
Policy Implications:	Nil to this report
Financial Implications:	Councils 2015 election costs were approx. \$8434 with a budget of \$15000 approved. There is approx. \$6000 remaining in this budget after incidentals. The budget will be need to be revised after the WA electoral Commission can advise of the cost for the extraordinary election.
Strategic Implications:	Nil to this report
Consultation:	Nil to this report

Officer's Recommendation:	Voting requirement: Absolute majority
Council Decision:	<p>That Council determine by Absolute Majority to rescind Clause 2 of Council Decision 09122015:</p> <p>(1) That the Council determine that in accordance with Section 4.9 (1)(b) fix the date of the election to be Saturday 2nd April 2016</p> <p>and</p> <p>(2) That the Council determine by Absolute Majority that in accordance with Section 4.9 (1)(b) fix the date of the election to be Friday 1st April 2016</p>
Moved:	Seconded:
Carried:	
<p>Item not dealt with and to be carried forward to next available meeting. Clause 4.1 (2) of Standing Orders Local Law 2015 refers.</p>	

UNCONFIRMED

8.4 STRATEGIC PLANNING WORKSHOP	
APPLICANT:	Shire of Cue
FILE:	Strategic Planning
DISCLOSURE OF INTEREST:	Nil to this Report
AUTHOR:	Phillip Marshall - Acting Chief Executive Officer
DATE:	6 th January 2016
SIGNATURE:	
Matters for Consideration:	To agree on a date to hold a Strategic Planning Workshop.
Background:	<p>The proposed expenditure for the remainder of the 2015/16 year has been reviewed and several projects have been identified as no longer being needed and / or viable and that the funds would be better expended elsewhere.</p> <p>Consequently, it is suggested that councillors and staff should have Strategic Planning Workshop to review the budget, organisational structure and make cuts / adjustments where needed and current projects.</p> <ul style="list-style-type: none"> • Review current Strategic Plan; • Bishop's House; • Oasis Development – consultant keen to attend; • Austin Street Footpath Strategy etc.
Comments:	Due to work commitments of councillors it is suggested that the Strategic Planning Workshop be held on a Saturday with the 16 th , 23 rd or 30 th January 2016 being the most appropriate.
Statutory Environment:	Nil to this report
Policy Implications:	Nil to this report
Financial Implications:	Meeting sitting fees will apply

Strategic Implications:	Nil to this report
Consultation:	Nil to this report
Officer's Recommendation:	Voting requirement: Absolute majority
Council Decision 05012016:	That the Council determine a day to hold a Strategic Planning Workshop
Moved: Carried: Item not dealt with and to be carried forward to next available meeting. Clause 4.1 (2) of Standing Orders Local Law 2015 refers.	Seconded:

9. INFORMATION BULLETIN

Nil

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

Council Decision :	
Moved: CR FITZPATRICK That the meeting go behind closed doors. Carried: 5/0	Seconded: CR HOGBEN

Mr Roger Le Maitre, Mr Fred Spindler, Mrs Noelene Meredith and Mr Richard Tovell left the meeting at 6:51pm

13. MATTERS BEHIND CLOSED DOORS

13.1 APPOINTMENT OF A CHIEF EXECUTIVE OFFICER

Motion was carried by an absolute majority but cannot be disclosed until contracts are signed.

<i>Council Decision 04012016:</i>	
Moved: CR FITZPATRICK	Seconded: CR PRICE
That the meeting come out from behind closed doors.	
Carried: 5/0	

Mrs Noelene Meredith and Mr Richard Tovell re-entered the meeting at 7:28pm

The meeting closed at 7:30pm

14. CLOSURE OF MEETING

To be confirmed at Ordinary Meeting on Tuesday, 16th of February 2016

Signed:.....

Presiding person at the Meeting at which time the Minutes were confirmed.