

Council Meeting Minutes

6 February 2023

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Kester Moorhouse
Cr Claire Clutterham
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr Josh Robinson
Cr Kevin Duke
Cr Connie Granozio
Cr Victoria McFarlane
Cr Scott Sims
Cr Grant Piggott
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Civic Affairs)
Sharon Francis (Acting Manager, Finance)
Teri Hopkins (Manager, Governance & Legal)
Simonne Whitlock (Manager, Communications & Community Relations)
Keke Michalos (Manager, Economic Development & Strategy)
Paul Mercorella (Manager, City Assets)
Michael Moshos (Project Manager, Civil)
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

APOLOGIES Nil

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Hugh Holfeld.

3. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 16 JANUARY 2023

Cr Callisto moved that the minutes of the Council meeting held on 16 January 2023 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 16 January	<ul style="list-style-type: none">• Presided over a Council Meeting, Council Chamber, Norwood Town Hall.
Wednesday, 18 January	<ul style="list-style-type: none">• Filmed a video for the Council website, Norwood.
Friday, 20 January	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer, Mr Paul Giordano and Mr Anthony Giordano (Adelaide Blue Eagles Soccer Club) and representatives from the Deputy Premier's Office and Minister Hildyard's Office, Mayor's Office, Norwood Town Hall.
Friday, 20 January	<ul style="list-style-type: none">• Attended the start of Stage 3 of the 2023 Tour Down Under, The Parade, Norwood.
Friday, 20 January	<ul style="list-style-type: none">• Attended the end of Stage 3 2023 Santos Tour Down Under, Campbelltown.
Friday, 20 January	<ul style="list-style-type: none">• Attended the Australia Day Awards Ceremony, Government House, Adelaide.
Sunday, 22 January	<ul style="list-style-type: none">• Attended the start of Stage 5, Santos Tour Down Under, King William Road, Hyde Park.
Monday, 23 January	<ul style="list-style-type: none">• Attended an Information Session, Mayor's Parlour, Norwood Town Hall.
Tuesday, 24 January	<ul style="list-style-type: none">• Radio interview with Peter Goers, ABC 891.
Wednesday, 25 January	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and General Manager, Governance & Civic Affairs, Mayor's Office, Norwood Town Hall.
Wednesday, 25 January	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Civic Affairs and Ms Tracy Riddle, Kelledy Jones Lawyers, Mayor's Office, Norwood Town Hall.
Thursday, 26 January	<ul style="list-style-type: none">• Presided over the Australia Day Awards and Citizenship Ceremony, St Peters Street, St Peters.
Thursday, 26 January	<ul style="list-style-type: none">• Attended the Shruthi Association of South Australia's 'Indian Republic Day and Australia Day' event, Dunstone Grove, Linde Reserve, Stepney.
Saturday, 28 January	<ul style="list-style-type: none">• Attended the Chinatown Adelaide of SA Inc 'Lunar New Year Street Party', corner of Gouger Street and Moonta Street, Adelaide.
Monday, 30 January	<ul style="list-style-type: none">• Filmed video for Council website, St Morris Reserve, St Morris.
Sunday, 5 February	<ul style="list-style-type: none">• Attended the Kensington Residents Association (KRA) Movie Fundraiser event, Regal Theatre, Kensington Park.
Monday, 6 February	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer, Manager, Chief Executive's Office, General Manager, Urban Planning & Environment, Cr Callisto and Cr Mex, Mayor's Office, Norwood Town Hall.
Monday, 6 February	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Urban Planning & Environment, Cr Holfeld, Cr McFarlane and Cr Piggott, Mayor's Office, Norwood Town Hall.

5. **DELEGATES COMMUNICATION**
Nil
6. **QUESTIONS WITHOUT NOTICE**
Nil
7. **QUESTIONS WITH NOTICE**
Nil
8. **DEPUTATIONS**
Nil
9. **PETITIONS**
Nil
10. **WRITTEN NOTICES OF MOTION**
Nil
11. **STAFF REPORTS**

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance
Reports

11.1 MONTHLY FINANCIAL REPORT – DECEMBER 2022

REPORT AUTHOR: Manager, Finance
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA101554
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended December 2022.

BACKGROUND

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$861,695 for the 2022-2023 Financial Year. The First Budget update presented has reduced the Operating Surplus by \$141,731 to \$719,964 for the 2022-2023 Financial Year.

For the period ended December 2022, the Council's Operating Surplus is \$763,000 against a budgeted Operating Surplus of \$81,000, resulting in a favourable variance of \$683,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community.**
Not Applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not Applicable.

DISCUSSION

For the period ended December 2022, the Council's Operating Surplus is \$763,000 against a budgeted Operating Surplus of \$81,000, resulting in a favourable variance of \$683,000.

Investment income continues to be favourable against budget due to the current rate being received from the Local Government Finance Authority for cash at bank being higher than budgeted as well as the quantum of funds being held being higher than expected due to the timing of project spend.

User Charges are \$120,000 unfavourable to the Adopted Budget. The St Peters Childcare Centre and Preschool is currently showing a \$95,824 deficit in revenue compared to the Adopted Budget. This reduction is however being directly offset by a reduction in staff costs.

Reimbursements are \$116,000 favourable to the Adopted Budget due to Federal funding being received by the Council for Boost Apprenticeship Commencement Wage Subsidies.

Employee expenses are \$592,000 (7%) favourable to the Revised Budget. The driving factors behind this variance are a result of budgeted staff positions that were vacant at the commencement of the financial year. Some of these positions are now filled and others are currently undergoing recruitment. Where required, activities and functions have been back filled by utilisation of temporary staff or consultants.

Contracted Services are \$160,000 (3%) unfavourable to the Revised Budget. These variances will be reviewed more closely during the Second Budget Review that will be completed in January.

The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Not Applicable.

CONCLUSION

Not Applicable.

COMMENTS

Not Applicable.

RECOMMENDATION

That the December 2022 Monthly Financial Report be received and noted.

Cr Moorhouse moved:

That the December 2022 Monthly Financial Report be received and noted.

Seconded by Cr Duke and carried unanimously.

Section 3 – Governance & General Reports

11.2 ELECTION - LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC) - CASUAL VACANCY

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA59226
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the postal ballot required to be undertaken in order to determine the Casual Vacancy for membership of the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils (the GAROC).

BACKGROUND

On 30 January 2023, the Local Government Association of South Australia (LGA) forwarded correspondence to the Council advising that the LGA has received two (2) nominations from Councils for appointment to the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils GAROC.

The Casual Vacancy was as a result of the former Mayor of the Town of Walkerville not being re-elected as part of the 2022 Local Government Elections, there is now a vacant position on the (Casual Vacancy).

As the LGA has received two (2) nominations for the one (1) position, in accordance with the Terms of Reference for the GAROC, an election now needs to be conducted to determine the successful candidate to be appointed to the GAROC. The nominee with the highest number of votes (ie “first past the post”), will be appointed to the GAROC.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

DISCUSSION

The role of the GAROC is to provide regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

The LGA’s Greater Region of Adelaide Organisation of Council (GAROC), represents the greater Adelaide region based on North, South, East, West groupings of councils and the City of Adelaide.

This Council and the following Councils are members of the GAROC:

- Adelaide Hills Council;
- City of Burnside;
- Campbelltown City Council;
- City of Charles Sturt;
- Town of Gawler;
- City of Holdfast Bay;
- City of Marion;
- City of Mitcham;
- City of Onkaparinga;
- City of Playford;
- City of Port Adelaide Enfield;
- City of Prospect;
- City of Salisbury;
- City of Tea Tree Gully;
- City of Unley;
- Town of Walkerville; and
- City of West Torrens.

The Council is a member of the East Regional Grouping of Councils.
The current members of the GAROC are:

- Mayor Heather Holmes-Ross, City of Mitcham;
- Lord Mayor Jane Lomax-Smith AM, City of Adelaide
- Mayor Claire Boan, City of Port Adelaide Enfield;
- Mayor Michael Coxon, City of West Torrens;
- Mayor Gillian Aldridge OAM, City of Salisbury;
- Cr Anna Leombruno, Campbelltown City Council; and
- Cr Lucas Jones, City of Tea Tree Gully.

The term of the new GAROC member will commence at the conclusion of the election period and will conclude at the 2024 LGA Annual General Meeting which will be held in October 2024.

The Council must determine by resolution which candidate it wishes to elect and the voting must be recorded on the Ballot Paper. The Ballot Paper must be returned to the LGA by Wednesday, 1 March 2023.

The nominees, as they appear on the Ballot Paper are:

- Mayor Jan-Claire Wisdom, Adelaide Hills Council; and
- Cr Don Palmer, City of Unley.

A copy of the Ballot Paper and the Candidate Information for each Candidate is contained within **Attachment A**.

RECOMMENDATION

The Council determines the following candidate for appointment to the Greater Region of Adelaide Organisation of Councils:

.....

The Mayor called for a secret ballot to determine the candidate for appointment to the Greater Region of Adelaide Organisation of Councils (GAROC). The two (2) nominees for this position are Mayor Jan-Claire Wisdom, Adelaide City Council and Cr Don Palmer, City of Unley.

Voting by Secret Ballot

A secret ballot was conducted. The General Manager, Governance & Civic Affairs was appointed as Returning Officer for the counting of votes.

Completion of Counting of Votes

The votes were counted and the results were declared to the Council as follows:

- Cr Don Palmer, City of Unley (7 votes); and
- Mayor Jan-Claire Wisdom, Adelaide Hills Council (6 votes).

Cr Knoblauch moved:

The Council determines the following candidate for appointment to the Greater Region of Adelaide Organisation of Councils (GAROC):

- *Cr Don Palmer, City of Unley.*

Seconded by Cr Whittington and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES

Nil

13. OTHER BUSINESS

13.1 Council Related Matter

Cr Duke moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment,, Acting Manager, Finance, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Economic Development & Strategy, Manager, City Assets, Project Manager, Civil and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which-*
 - (i) could reasonably be expected to confer a commercial advantage on a third party; and*
 - (ii) would, on balance, be contrary to the public interest;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Whittington and carried unanimously.

Cr Duke declared an interest in this matter.

Cr Sims left the meeting at 7.55pm.
Cr Sims returned to the meeting at 7.57pm.
Cr Robinson left the meeting at 8.24pm.
Cr Robinson returned to the meeting at 8.26pm.
Cr Sims left the meeting at 8.34pm.
Cr Sims returned to the meeting at 8.35pm.

Cr Holfeld moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the discussion and minutes be kept confidential until such time as the final agreement has been reached.

Seconded by Cr Callisto and carried unanimously.

14. CONFIDENTIAL REPORTS

14.1 TENDER SELECTION REPORT – RIVER TORRENS LINEAR PARK SHARED PATH ENHANCEMENT PROJECT (STAGE 2)

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –
- (i) could reasonably be expected to prejudice the commercial position of the Council;
 - (ii) would, on balance, be contrary to the public interest;

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Sims moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Acting Manager, Finance, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Economic Development & Strategy, Manager, City Assets, Project Manager, Civil and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –*
- (i) could reasonably be expected to prejudice the commercial position of the Council;*
 - (ii) would, on balance, be contrary to the public interest;*

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried unanimously.

Cr Callisto moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Piggott and carried unanimously.

14.2 APPOINTMENTS TO THE NORWOOD PARADE PRECINCT COMMITTEE

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act, 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

and the Council is satisfied that, in principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussions/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act, 1999*, the Council orders that the report, attachments and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act, 1999*, the Council orders that the minutes be kept confidential until the announcement in respect to the positions of Independent Members of the Norwood Parade Precinct Committee is made.

Mayor Bria declared a general conflict of interest in this matter and left the meeting at 8.50pm.

Cr McFarlane declared a perceived conflict of interest in this matter. Cr McFarlane advised that she would remain in the meeting and take part in the discussion regarding this matter.

Appointment of Acting Mayor

At 8.51pm Cr Callisto moved:

That Cr Kevin Duke be appointed Acting Mayor.

Seconded by Cr Sims and carried unanimously.

Cr Duke assumed the Chair.

Cr Callisto moved:

That pursuant to Section 90(2) and (3) of the *Local Government Act, 1999* the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Acting Manager, Finance, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Economic Development & Strategy, Manager, City Assets and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

and the Council is satisfied that, in principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussions/consideration of the information confidential.

Seconded by Cr Whittington and carried unanimously.

Short Term Suspension of Proceedings

At 8.51pm the Acting Mayor, with the approval of two-thirds of the Elected Members present, suspended the meeting proceedings pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulation 2013*, to enable discussion on this matter to take place.

Cr Mex moved:

That the meeting proceedings be suspended be for a period of up to ten (10) minutes.

Seconded by Cr Holfeld and carried.

Resumption of Proceedings

At 9.00pm the meeting resumed.

Cr Knoblauch moved:

Under Section 91(7) and (9) of the Local Government Act, 1999, the Council orders that the report, attachments and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the Local Government Act, 1999, the Council orders that the minutes be kept confidential until the announcement in respect to the positions of Independent Members of the Norwood Parade Precinct Committee is made.

Seconded by Cr Mex and carried unanimously.

Resumption of Chair

Mayor Bria returned to the meeting at 9.15pm and resumed the Chair.

14.3 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to the provisions of Section 90 (2) and (3)(d) (i) and (ii) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will discuss:

- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the discussion and consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the announcements have been made.

Cr Callisto moved:

That pursuant to the provisions of Section 90 (2) and (3)(d) (i) and (ii) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Acting Manager, Finance, Manager, Governance & Legal, Manager, Communications & Community Relations and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will discuss:

- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the discussion and consideration of the information confidential.

Seconded by Cr Granozio and carried unanimously.

Cr Granozio moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the announcements have been made.

Seconded by Cr Robertson and carried unanimously.

14.4 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years, after which time the order will be reviewed.

Mayor Bria declared a general conflict of interest in this matter. Mayor Bria advised that he would remain in the meeting.

Cr McFarlane declared a general conflict of interest in this matter. Cr McFarlane advised that she would remain in the meeting and take part in the discussion regarding this matter.

Cr Callisto declared a general conflict of interest in this matter. Cr Callisto advised that he would remain in the meeting and take part in the discussion regarding this matter.

Cr Callisto moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Acting Manager, Finance, Manager, Governance & Legal and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Duke and carried unanimously.

Cr Callisto moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years, after which time the order will be reviewed.

Seconded by Cr Robinson and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.36pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)