



# Shire of Pingelly

## Minutes

Special Council Meeting  
8 August 2018

*Agenda for the Special Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 8 August 2018 – commencing at 4.25pm.*

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## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chairman, Cr Bill Mulroney declared the meeting open at 4.25pm.

## **2. ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people and past and present.

## **3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

### **3.1 Council Agenda Reports**

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

## **4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

At the Ordinary Council Meeting held 18 July 2018 the following decisions were passed:

**12457 Moved: Cr Hodges Seconded: Cr Wood**

**Council Decision:**

**That Cr McBurney be granted leave from the 1<sup>st</sup> August to the 30<sup>th</sup> September 2018.**

**Carried 7:0**

**\*Note Cr McBurney was present at this meeting.**

**12458 Moved: Cr McBurney Seconded: Cr Hotham**

**Council Decision:**

**That Cr Walton-Hassell be granted leave from the 6<sup>th</sup> September to 12<sup>th</sup> September 2018.**

**Carried 7:0**

**12459 Moved: Cr Wood Seconded: Cr Hotham**

**That Cr Mulroney be granted leave from the 13<sup>th</sup> August to 14<sup>th</sup> August 2018.**

**Carried 7:0**

### **MEMBERS PRESENT**

Cr WV Mulroney  
Cr DI Freebairn  
Cr JM Walton-Hassell  
Cr BW Hotham  
Cr EJ Hodges  
Cr PJ Wood  
Cr K Hastings  
Cr J McBurney

### **STAFF IN ATTENDANCE**

Mr G Pollock, Chief Executive Officer (from 4.25pm to 5.27pm and 5.55pm to 5.56pm)  
Mrs Lisa Boddy, Executive Assistant (from 4.25pm to 4.54pm)  
Mr Barry Gibbs, Director Technical Services (from 4.25pm to 4.54pm)  
Mr Stuart Billingham, Director Corporate & Community Services (from 4.25pm to 4.54pm)

### **APOLOGIES**

Nil

### **VISITORS**

Nil

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6. PUBLIC QUESTION TIME**

Question time opened at 4.26pm. As there were no members of the public present question time closed at 4.26pm.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8. DISCLOSURES OF INTEREST**

Nil

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Nil

## **10. OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **10.1 Chief Executive Officer Leave and Appointment of Acting Chief Executive Officer**

**File Reference:** ADM0310  
**Location:** Shire of Pingelly  
**Applicant:** Chief Executive Officer  
**Author:** Chief Executive Officer  
**Date:** 7 August 2018  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **Summary:**

Council to consider the Chief Executive Officer's request for leave from 15 August to 31 August 2018 and the appointment of Mr Barry Gibbs as Acting Chief Executive Officer for this period of leave.

#### **Background:**

The Chief Executive Officer has discussed the appointment of an Acting Chief Executive Officer with Mr Barry Gibbs and the Executive Team. Mr Barry Gibbs has agreed to undertake the position of Acting Chief Executive Officer while the Chief Executive Officer is on leave.

#### **Comment:**

A remuneration salary will be offered to Mr Barry Gibbs within the Band 4 reward package range prescribed by the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.

#### **Consultation:**

Shire President - Cr Mulroney, Director Corporate Community Services – Stuart Billingham and Director Technical Services – Barry Gibbs.

#### **Statutory Environment:**

Section 5.36 of the *Local Government Act 1995* provides that:

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the provisions of the proposed employment contract.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) Believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement into contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the Local Government (Administration) Regulations provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
  - (a) on a notice board exhibited to the public at the local government’s offices, if the position is —
    - (i) to be filled on a part time basis by a person who is also employed by another local government; or
    - (ii) an acting position for a term not exceeding one year;
  - or
  - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
  - (a) the details of the remuneration and benefits offered;
  - (b) details of the place where applications for the position are to be submitted;
  - (c) the date and time for the closing of applications for the position;
  - (d) the duration of the proposed contract;
  - (e) contact details for a person who can provide further information about the position; and
  - (f) any other information that the local government considers is relevant.

**Policy Implications:**

Nil

**Financial Implications:**

Nil effect on the 2018/19 budget as a provision for higher duties has been allowed for in the budget process.

**Strategic Implications:**

The appointment of an Acting Chief Executive Officer will meet the requirements of the Local Government Act.

**Voting Requirements:**

Majority.

**Moved: Cr Wood    Seconded: Cr McBurney**

**Recommendation:**

**That Council Approve**

- 1. The Chief Executive Officer’s request for leave from 15 August to 31 August 2018 and the appointment of Mr Barry Gibbs as Acting Chief Executive Officer for this period of leave.**
- 2. The Chief Executive Officer offering Mr Barry Gibbs a remuneration salary for the period of stated leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.**

**12482 Moved: Cr Hodges**

**Seconded: Cr Walton-Hassell**

**Amendment:**

**That Council Approve**

- 1. The Chief Executive Officer’s request for leave from 15 August to 31 August 2018. The Chief Executive Officer to source an acting Chief Executive Officer or acting Director Technical Services for the period of the Chief Executive Officer’s leave.**
- 2. The Chief Executive Officer offering a remuneration salary for the period of stated leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.**

**Carried 7:1**

**Council Decision:**

**That Council Approve**

- 1. The Chief Executive Officer's request for leave from 15 August to 31 August 2018. The Chief Executive Officer to source an acting Chief Executive Officer or acting Director Technical Services for the period of the Chief Executive Officer's leave.**
- 2. The Chief Executive Officer offering a remuneration salary for the period of stated leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.**

**Carried 8:0**

## **11. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **11.1 Adoption of 2018/19 Budget and Fees and Charges**

**File Reference:** ADM0067  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** Stuart Billingham, Director Corporate and Community Services  
**Date:** 7 August 2018  
**Disclosure of Interest:** Nil  
**Attachments:** Statutory Budget and Program Schedules  
(Attachment following)

#### **Summary:**

To adopt the 2018/19 Budget in accordance with the requirements of the *Local Government Act 1995* and other relevant legislation.

#### **Background:**

The *Local Government Act 1995* requires Councils by 31 August each financial year to prepare and adopt, in the form and manner prescribed a financial budget for its municipal fund for the financial year ending the next following June.

#### **Comment:**

The overall increase in rates raised for the year 2018/19 is 5.5%. This increase will enable the Shire of Pingelly to complete its works programs and provide services required by the community and meet the compliance requirements of various governing agencies.

A capital works program amounting over \$3.38 million dollars is included in the budget, including upgrades and replacement of assets as required under the Shire of Pingelly Asset Management Plans. The major projects being undertaken in the 2018/19 budget are the completion of the Pingelly Recreation and Cultural Centre (PRACC), and Pingelly Age Appropriate Accommodation (PAAA) units and an extensive road construction program.

#### **Consultation:**

Executive Staff, Councillors

#### **Statutory Environment:**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Waste Avoidance and Resource Recovery Act 2007*

#### **Policy Implications:**

Nil

#### **Financial Implications:**

A balanced budget for the 2018/19 financial year.

#### **Strategic Implications:**

The budget documents Council's financial objectives for the next twelve months.

The draft 2018/19 budget has been developed based on the existing Community Strategic Plan and Integrated Planning documents prepared by the Shire of Pingelly.



## Quadruple Bottom Line Assessment

### A Healthy and Cohesive Community

- The draft 2018/19 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by council. This includes support of medical services, aged care and primary health care services as well as community and sporting organisations and facilities. The draft budget makes provision for the development of the new Recreation and Cultural Centre (PRACC) and five (5) Age Appropriate Accommodation (PAAA) units. The youth program will also be included to address community concerns.
- There has been extensive consultation with the community over the last few years as to the expectations of the community with regard to their needs and future development. A community survey was completed in April 2015. The information obtained from the survey has been used to determine community needs and future planning.

### Enhanced Natural and Built Environment

- The draft 2018/19 budget delivers this on a number of levels, including the Shire is working toward a regional waste management program with a regional refuse site. The Shire of Pingelly also provides support for the University of WA Future Farm and its activities.

### Prosperous and Sustainable Community

- The draft 2018/19 budget provides support for the community through financial support of the:
  - Pingelly Development Association-\$2,400
  - Friends of Pingelly Railway Station-\$5,000
  - Pingelly Primary P&C - \$550
  - Pingelly Museum Group-\$993
  - Brookton Pingelly Football Club-\$5,000
  - Pingelly Youth Club-\$1,200
  - Pingelly Tennis Club-\$200
  - Pingelly Bowling Club-\$200
  - Pingelly Golf Club-\$200
  - Early Years Network Grant-\$1,630
  - Pingelly Rifle Club - \$700
  - Shearing Shed - \$300

Additionally funds will be made available for developing aged care support jointly with the Shires of Brookton and Beverley and the continued improvement of road and transport networks, including Commodity Route improvements.

### Effective Governance and Organisation

- Governance and compliance requirements continue to expand, with the Shire of Pingelly being subject to the same requirements as large metropolitan Councils. This represents a considerable impost on the Shire. The Shire of Pingelly will be revising the Integrated Planning documents including preparing a new Asset Management Strategic Plan. There is a requirement for continual revision of these plans in future years, with these plans being the basis of decisions made by Council. Council have also adopted a training policy for Councillors to assist with decision making and to provide an understanding of their roles and responsibilities.

- Staff training is also funded acknowledging that experienced staff are difficult to source in regional areas. The training allows staff to attain a level of competency in an office where multiple complex tasks are undertaken by a small workforce. Works staff will also undertake training to ensure compliance with Worksafe requirements and to ensure competency in work undertaken. In addition support services are sourced externally where expertise is not available locally.
- There are currently systems, policies and processes in place that are reviewed regularly to ensure the smooth and effective operation of the organisation.

**12483 Moved: Cr Freebairn Seconded: Cr Wood**

**Recommendation and Council Decision:**

**That:**

**Part A – Municipal Fund Budget for 2018/19 as amended.**

**Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996* the council adopt the Municipal Fund Budget as contained in the attachment to this agenda and the minutes for the Shire of Pingelly for the 2018/19 financial year which includes the following:**

- **Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of – (\$490,063).**
- **Statement of Comprehensive Income by Program on page 3 showing a net result for that year of – (\$490,063).**
- **Statement of Cash Flows on Page 4.**
- **Rate Setting Statement on page 5 showing an amount required to be raised from rates of \$1,994,544.**
- **Notes to and Forming Part of the Budget on pages 6 to 33.**

**Absolute Majority Required**

**Carried 8:0**

**12484 Moved: Cr Hodges Seconded: Cr Freebairn**

**Recommendation and Council Decision:**

**Part B – General and Minimum Rates, Instalment Payment Arrangements**

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum rates on Gross Rental and Unimproved Values.

**1.1 General Rates**

Residential (GRV)	13.0220 cents in the dollar
Commercial (GRV)	13.0220 cents in the dollar
Industrial (GRV)	13.0220 cents in the dollar
Townsite (GRV)	13.0220 cents in the dollar
Broadacre Rural (UV)	1.0469 cents in the dollar

**1.2 Minimum Payments**

Residential (GRV)	\$900
Commercial (GRV)	\$900
Industrial (GRV)	\$900
Townsite (GRV)	\$900
Broadacre Rural (UV)	\$900

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

• Full payment and 1st instalment due date	18 September 2018
• 2nd half instalment due date	22 January 2019
• 1st quarterly instalment due date	18 September 2018
• 2nd quarterly instalment due date	20 November 2018
• 3rd quarterly instalment due date	22 January 2019
• 4th quarterly instalment due date	21 March 2019

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.

4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

5. Pursuant to section 6.51 (1) and subject to section 6.51 (4) of the *Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

**Absolute Majority Required**

**Carried 8:0**

Cr Wood left the meeting at 4.45pm and did not return.

**12485 Moved: Cr Hastings Seconded: Cr McBurney  
Recommendation and Council Decision:**

**Part C – General Fees and Charges for 2018/19**

Pursuant to section 6.16 of the *Local Government Act 1995*, council adopts the Fees and charges included with the 2018/19 budget.

**Absolute Majority Required**

**Carried 7:0**

**12486 Moved: Cr McBurney Seconded: Cr Hodges  
Recommendation and Council Decision:**

**Part D – Other Statutory Fees for 2018/19**

1. Pursuant to section 53 of the *Cemeteries Act 1986* council adopts the fees and charges for the Pingelly and Moorumbine cemeteries the 2018/19 budget.
2. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$58.45.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal of domestic and commercial waste:

3.1 Residential Premises including recycling 240L Refuse Bin Collected Weekly and 240L Recycling Bin Collected Fortnightly	\$300 pa
3.2 Commercial and Industrial Premises including recycling 240L Refuse Bin Collected Weekly and 240L Recycling Bin Collected Fortnightly	\$300 pa

**Absolute Majority Required**

**Carried 6:1**

**12487 Moved: Cr Hodges Seconded: Cr Hastings**

**Recommendation and Council Decision:**

4. Pursuant to section 67 of the *Waste avoidance and Resources Recovery Act 2007*, and section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste (inclusive of GST where applicable):

Refuse Site after Hours Access Fee (unsupervised)	\$115.00
Refuse Site after Hours Access Fee (supervised)	\$104.00
Burial of Hazardous Waste (per m <sup>3</sup> )	\$154.00
Building Rubble (per m <sup>3</sup> )	\$51.00
Green Waste – Non Residents (per m <sup>3</sup> )	\$12.00
Septic Waste (per m <sup>3</sup> ) as per licence	\$23.00
Contaminated or unsorted mixed loads (per m <sup>3</sup> )	\$80.00
Oil Disposal – Non-residential or commercial (per litre)	\$3.00

**Absolute Majority Required**

**Carried 7:0**

**12488 Moved: Cr Freebairn Seconded: Cr Hotham**

**Recommendation and Council Decision:**

**Part E – Elected Members Fees and Charges**

1. Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting fees:

• President	\$10,000
• Deputy President	\$4,400
• Councillors	\$4,000

2. Pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual allowances for elected members:

• Phone, Fax, IT & Telecommunications	\$1,000
• Childcare actual cost of \$25 per hour or whichever is the lesser	

3. Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

• President	\$1,200
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4. Pursuant to section 5.98A of the *Local Government Act 1995* and regulations 33A of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

• Deputy President	\$300
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**Absolute Majority Required**

**Carried 6:1**

**12489 Moved: Cr Hodges Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**Part F – Material Variance Reporting for 2018/19**

In accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances shall be 10% and \$5,000, whichever is the greater.

**Absolute Majority Required**

**Carried 7:0**

**12490 Moved: Cr Hotham Seconded: Cr Walton-Hassell**

**Recommendation and Council Decision:**

**Part G – Rates Exemption**

That pursuant to section 6.47 of the *Local Government Act*, and in keeping with past years, the 2018/19 rates on the following properties be waived to encourage these community organisations:

- **Assessment A10364 – 13 Queen Street – Apex Club of Pingelly**
- **Assessment A8015 – Moorumbine Rd – Church of England**
- **Assessment A987 – 54 Shire Street – Pingelly Aged Persons Hostel**
- **Assessment A11033 – 6 Somerset Street – Somerset House**
- **Assessment A20103 – 34 Parade Street – Pingelly CRC**
- **Assessment A20450 – Lot 14 Shire Street – Pingelly Cottage Homes**
- **Assessment A6051 – 33 Somerset Street – Pingelly Cottage Homes**
- **Assessment A1049 – 37-39 Brown Street – Pingelly Cottage Homes**
- **Assessment A9390 – 24 Shire Street – Pingelly Cottage Homes**
- **Assessment A6171 – 29 Review Street – Pingelly Golf Club**
- **Assessment A22422 – 47 Stratford Street – Pingelly Masonic Lodge Inc**
- **Assessment A8988 – 51-53 Stratford Street – St John Ambulance Association**

**Subject to eligibility of exemption being reviewed.**

**Absolute Majority Required**

**Carried 7:0**

**12491 Moved: Cr Hodges Seconded: Cr Walton-Hassell**

**Recommendation and Council Decision:**

**Part H – Early Payment Incentive Prize**

That entry into the Early Payment of Rates competition be offered to ratepayers who have paid in full all rates and charges within 35 days of issue (18 September 2018) and that the draw be conducted at the 17 October 2018 Ordinary Council meeting following the close of the competition.

**Simple Majority Required**

**Carried 7:0**

**12492 Moved: Cr Freebairn Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**That entry into the Early Payment of Rates competition prizes offered be made up of:**

- **First Prize**  
**A \$350 Savings Account from the Pingelly Brookton Community Bank**
- **Second Prize**  
**\$200 cash from Matthews Realty Pty Ltd**

**Simple Majority Required**

**Carried 7:0**

The Chief Executive Officer asked that a note be made to thank staff and Councillors in their efforts to get the budget prepared and for approving the budget at today's meeting. The Shire President also offered his thanks to staff on their efforts in getting the budget completed.

**12. DIRECTORATE OF TECHNICAL SERVICES**

Nil

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

**12493 Moved: Cr Hodges Seconded: Cr Hastings**

**Council Decision:**

**That as per section 5.23(2) of the *Local Government Act 1995* the meeting be closed to members of the public to allow Council to discuss a confidential matter relating to staff.**

**Carried 7:0**

Mr Barry Gibbs, Mr Stuart Billingham and Mrs Lisa Boddy left the room at 4.54pm and did not return.

Cr Hastings left the room at 5.15pm and returned at 5.18pm.

Gavin Pollock left the room at 5.27pm and returned at 5.55pm.

Cr Hotham left the room at 5.40pm and returned at 5.41pm.

**12494 Moved: Cr Walton-Hassell Seconded: Cr Hotham**

**Council Decision:**

**That the meeting be again open to the public**

**Carried 7:0**

**15. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 5.56pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 15 August 2018.

Signed.....  
Presiding Person at the meeting at which the minutes were confirmed.