

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 29 SEPTEMBER 2020 AT 6.00PM

1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS

The Presiding Member, Cr Kathryn Hamilton, declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

On behalf of Council and the Town Administration, Cr Hamilton extended condolences to the family of Tina Klein and acknowledged her service and achievements.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Kathryn Hamilton, Deputy Mayor
Cr Chris Barty
Cr John Gangell
Cr Hilary MacWilliam
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Paul White, Director Corporate Services

Mr Luke Gibson, Director Community Planning
Mr Jeremy Maher, Manager Sustainability & Environment
Mrs Amy Holmes, Minute Secretary

Public

One member of the public was in attendance.

Press

Nil

Apologies

Cr Renee McLennan, Mayor
Mr Phil Adams, Executive Manager Infrastructure
Ms Elizabeth Kania, Manager Governance & Strategy

Leave of Absence

Council Resolution – Item 3.0 OCM – 1/09/20

MOVED Cr Quinton, Seconded Cr Wilson, that the following leave of absence be granted:

- Cr McLennan – 30 September to 12 October
- Cr Barty – 16 November to 30 November
- Cr MacWilliam – 30 September to 6 October

CARRIED UNANIMOUSLY 6/0

4.0 DECLARATIONS OF INTEREST

Cr Hamilton declared an Impartiality Interest for Item 12.2 as an elected member of the JDAP Committee.

Cr Wilson and Cr MacWilliam also declared an Impartiality Interest for Item 12.2, however as Deputy Members they will not be required to attend the meeting.

5.0 PRESENTATIONS OR DEPUTATIONS

Council Resolution – Item 5.0(a) OCM – 2/09/20

MOVED Cr Gangell, Seconded Cr Wilson, that the meeting go behind closed doors, the time being 6.10pm.

CARRIED UNANIMOUSLY 6/0

Mr Grau addressed the Council on Item 16.1 - Use of the Bassendean Seniors and Community Centre Kitchen for the Community Kitchen Pilot Program.

Council Resolution – Item 5.0(b)
OCM – 3/09/20

MOVED Cr Gangell, Seconded Cr Barty, that the meeting come from behind closed doors, the time being 6.33pm.

CARRIED UNANIMOUSLY 6/0

6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEMS

Nil

7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

8.0 PETITIONS

Nil

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 25 August 2020

Council Resolution/Officer Recommendation – Item 9.1(a)
OCM – 4/09/20

MOVED Cr MacWilliam, Seconded Cr Barty, that the minutes of the Ordinary Council Meeting held on 25 August 2020, be received.

CARRIED UNANIMOUSLY 6/0

Council Resolution/Officer Recommendation – Item 9.1(b)
OCM – 5/09/20

MOVED Cr Barty, Seconded Cr MacWilliam, that the minutes of the Ordinary Council Meeting held on 25 August 2020, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

11.0 EXTERNAL COMMITTEE REPORTS/UPDATES

Item No. 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 2	<ul style="list-style-type: none"> • Minutes - WALGA East Metropolitan Zone • Summary Minutes - WALGA State Council Meeting

Purpose

The purpose of this report was for Council to consider minutes from external Committees and organisations.

Council Resolution/Officer Recommendation – Item 11.1
OCM – 6/09/20

MOVED Cr Wilson, Seconded Cr Barty, that Council notes the attached minutes from external Committee meetings held within the reporting period.

CARRIED UNANIMOUSLY 6/0

12.0 REPORTS

12.1 Adoption of Recommendations En Bloc

It was agreed that items 12.2, 12.3 (withdrawn) & 12.4 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1 **OCM – 7/09/20**

MOVED Cr Quinton, Seconded Cr Barty, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 29 September 2020:

Item	Report
12.5	Local Planning Policy No. 7 – Local Shopping Centre Zone Design Guidelines
12.8	Monthly Financial Report – August 2020
12.9	Accounts Paid – August 2020
12.10	Use of Common Seal
12.11	Calendar for October 2020

CARRIED UNANIMOUSLY 6/0

Council was then requested to consider the balance of the Officer recommendations independently.

Item	Report
12.2	Joint Development Assessment Panel Application (Aged Care Facility & Commercial)
12.3	Bassendean Oval Business Case
12.4	Request for Office Space by the 5000meals Program inside the Bassendean Seniors and Community Centre
12.6	Councillor Training and Professional Development Policy
12.7	Appointment of Acting Chief Executive Officer Policy
13.1	Cr Wilson – Differential Rates and Rateable Properties on Minimum Rates
16.1	Use of the Bassendean Seniors and Community Centre Kitchen for the Community Kitchen Pilot Program

Item No. 12.2	Joint Development Assessment Panel Application (Aged Care Facility & Commercial)
Property Address	Lot 54 (27) Hamilton Street, Lots 84 (68) & 85 (70) Old Perth Road, Bassendean
Landowner/Applicant	Ms Clare McLean, Peter Webb & Associates Mr Geoff Taylor, T & T Management Services Pty Ltd Mr Michael Cross, T & T Management Services Pty Ltd
File Ref/ROC	DABC/BDVAPPS/2020-082
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion	
<input checked="" type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Attachment No. 3	<ul style="list-style-type: none"> • Responsible Authority Report • Development Report • Development Plans • Consultation Plan • Schedule of Submissions

*Cr Hamilton declared an Impartiality Interest and left the meeting at 6.36pm.
Cr Gangell took the Chair.*

Purpose

The purpose of this report was for Council to provide a recommendation to the Metro Inner-North Joint Development Assessment Panel (JDAP) for a proposed at Aged Care Facility & Commercial development at Lot 54 (27) Hamilton Street, Lots 84 (68) & 85 (70) Old Perth Road, Bassendean.

Council Resolution/Officer Recommendation – Item 12.2
OCM – 8/09/20

MOVED Cr Quinton, Seconded Cr MacWilliam, that Council endorses the Officer Recommendation contained within the attached Responsible Authority Report for the following reasons:

“The proposed development is consistent with LPS 10 and relevant local planning policies, with the exception of those requirements outlined above that are acceptable to be varied or can be adequately addressed via conditions. The Town is satisfied that the proposed development is consistent with the objectives of the Town Centre Zone and it is therefore recommended that the application be approved subject to conditions.”

CARRIED UNANIMOUSLY 5/0

Cr Hamilton returned to the meeting at 6.42pm. Cr Gangell vacated the chair and Cr Hamilton resumed as Presiding Member.

Item No. 12.3	Bassendean Oval Business Case
Property Address	1 West Road, Bassendean
Landowner/Applicant	Crown land vested with Town of Bassendean
Ref	COMDEV/PLANNG/4 and ROC19/69544
Directorate	Community Planning
Decision Type	Executive

This item was withdrawn.

Item No. 12.4	Request for Office Space by the 5000meals Program inside the Bassendean Seniors and Community Centre
Property Address (if applicable)	50 Old Perth Road, Bassendean (Bassendean Seniors and Community Hall)
Landowner/Applicant (if applicable)	Town of Bassendean
File Ref	COUP/USAGE/7
Directorate	Community Planning
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises

	from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 4	<ul style="list-style-type: none">• Letter from 5000Meals• Letter of Support from 55plus Association

Purpose

The purpose of this report was for Council to consider allocating office space for the 5000meals Program inside the Bassendean Seniors and Community Centre.

Cr Quinton moved the officer recommendation with an amendment to Point 4 and the addition of a Point 5, as shown in bold.

Council Resolution/Officer Recommendation – Item 12.4 **OCM – 9/09/20**

MOVED Cr Quinton, Seconded Cr Hamilton that Council approves the use of the office space in the Bassendean Seniors and Community Centre for the 5000meals Program at no cost for one year being from 1 October 2020 to 30 September 2021, subject to:

1. The 5000meals Program indemnifying the Town from any liability and provides a copy of current insurance certificates;
2. The 5000meals Program ensuring that any of their own equipment used on the premises complies with the requirements of the Occupation Health and Safety Act and has been certified by a qualified electrician; and follow the Town's policy and procedure for regular hirers;
3. The 5000meals Program acknowledging the Town in its promotion/branding for its contribution; and
4. **Staff providing assistance to the 5000meals Program to transition to environmentally friendly products in order to comply with Council Policy 2.15 – Single Use Plastics & Balloons.**
5. **The provision of an evaluation report in August 2021 for consideration by Council.**

CARRIED UNANIMOUSLY 6/0

Item No. 12.5	Local Planning Policy No. 7 – Local Shopping Centre Zone Design Guidelines
Property Address	N/A
Landowner/Applicant	N/A
Ref	LUAP/POLCY/12
Previous Council Reports (if applicable)	
Directorate	Community Planning
Decision Type	Legislative
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans, reports and strategies, accepting tenders, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 5	<ul style="list-style-type: none"> Local Planning Policy No. 7 – Local Shopping Centre Zone Design Guidelines Draft Local Planning Policy – Commercial and Mixed Use Development.

Purpose

The purpose of this report was for Council to consider amending Local Planning Policy No. 7 – Local Shopping Centre Zone Design Guidelines (LPP 7).

Council Resolution/Officer Recommendation - Item 12.5

OCM – 10/09/20

MOVED Cr Quinton, Seconded Cr Barty, that Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy No.7 – Commercial and Mixed Use Development.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-7/09/20 6/0

Item No. 12.6	Councillor Training and Professional Development Policy
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Attachment No. 6	<ul style="list-style-type: none"> • Councillor Training and Professional Development Draft Policy • Councillor Professional Development Policy • Councillors Allowances and Expenses Policy

Purpose

The purpose of this report was for Council to consider the adoption of the proposed Councillor Training and Professional Development Policy.

Council Resolution/Officer Recommendation – Item 12.6 **OCM – 11/09/20**

MOVED Cr Wilson, Seconded Cr Barty, that Council:

1. Adopts the proposed Councillor Training and Professional Development Policy as contained in and the attachment; and
2. Repeals the Councillor Professional Development Policy dated September 2017.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

Item No. 12.7	Appointment of Acting Chief Executive Officer Policy
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVR/POLCY/1
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans, reports and strategies, accepting tenders, setting and amending budgets.
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Attachment No. 7	<ul style="list-style-type: none"> • Chief Executive Officer and Executive Officers Employment Policy • Appointment of an Acting Chief Executive Officer Draft Policy

Purpose

The purpose of this report was for Council to consider the adoption of the proposed Appointment of an Acting Chief Executive Officer Policy, and the revocation of the current Chief Executive Officer and Executive Officers Employment Policy.

Council Resolution/Officer Recommendation – Item 12.7 **OCM – 12/09/20**

MOVED Cr Barty, Seconded Cr MacWilliam, that Council:

1. Revokes the Chief Executive Officer and Executive Officers employment Policy; and
2. Adopts the proposed Appointment of an Acting Chief Executive Officer Policy as attached.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

Item No. 12.8	Monthly Financial Report – August 2020
Property Address (if applicable)	n/a
Landowner/Applicant (if applicable)	n/a
File Ref/ROC	FINM/AUD/1
Previous Council Reports (if applicable)	n/a
Directorate	Corporate Services
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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Attachment No. 8	Financial Statements

Purpose

The purpose of this report was for Council to consider the monthly financial report for August 2020.

Council Resolution/Officer Recommendation - Item 12.5 **OCM – 13/09/20**

MOVED Cr Quinton, Seconded Cr Barty, that Council receive the Financial Report for August 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-7/09/20 6/0

Item No. 12.9	Accounts Paid – August 2020
Property Address (if applicable)	n/a
Landowner/Applicant (if applicable)	n/a
File Ref/ROC	FINM/CREDTS/4
Previous Council Reports (if applicable)	n/a
Directorate	Corporate Services

Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Attachment No. 9	List of Accounts

Purpose

The purpose of this report was for Council to receive the list of payments for August 2020.

Council Resolution/Officer Recommendation – Item 12.9

OCM – 14/09/20

MOVED Cr Quinton, Seconded Cr Barty, that Council receive the List of Payments for August 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-7/09/20 6/0

Item No. 12.10	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Attachment	Nil

Purpose

The purpose of this report was for Council to note the documents affixed with the Common Seal during the reporting period.

Council Resolution/Officer Recommendation – Item 12.10 **OCM – 15/09/20**

MOVED Cr Quinton, Seconded Cr Barty, that Council notes the affixing of the Common Seal during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-7/09/20 6/0

Item No. 12.11	Calendar for October 2020
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Attachment	Nil

Purpose

The purpose of this report was for Council to consider the calendar for October 2020.

Council Resolution/Officer Recommendation – Item 12.11

OCM – 16/09/20

MOVED Cr Quinton, Seconded Cr Barty, that Council adopt the calendar for October 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-7/09/20 6/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Cr Wilson – Differential Rates and Rateable Properties on Minimum Rates

Council Resolution – Item 13.1

OCM – 17/09/20

MOVED Cr Wilson, Seconded Cr Quinton, that Town staff:

1. Prepare a report for Council:
 - a) Outlining the requirements that a local government must meet in order for differential rates to be approved;
 - b) Providing an analysis of the percentage of rateable properties in all categories that are on the minimum rate; and
2. Convene a workshop, prior to the end of the calendar year, for Councillors to discuss the report once it has been prepared.

CARRIED 5/1

Crs Wilson, Quinton, Hamilton, Barty and MacWilliam voted in favour of the motion. Cr Gangell voted against the motion.

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

14.1 Cr Wilson – Provision of a 360 Litre Recycling Bin

That the CEO prepare a report for Council outlining the cost and contractual implications for the Town providing a 360 litre recycling bin in the range of bin options provided to our community from the start of the 2020/21 financial year.

14.2 Cr Hamilton – Recognition of the late Tina Klein

That Council:

Formally recognises the achievements of the late Tina Klein by:

1. Authorising the CEO to investigate and implement potential planting/dedication of a tree in a prominent location to occur during the next winter planting season; and
2. Requests staff to select a tree variety that has potential to grow into a stately and prominent specimen offering decades of shaded amenity for future generations;
3. Write to the family of the late Tina Klein to ascertain their wishes in respect to points 1 and 2 of this Motion.

Background:

Sadly, Wouterina (Tina) Klein (nee Huisman) OAM JP passed away recently and the Council and staff provide their sincere condolences to her husband, Jan and family.

Tina was born in 1930 in the Eastern Netherlands. Tina and Jan moved to Australia in 1954 and to Eden Hill in 1973.

Tina was a Councillor from 1986, serving as Deputy Mayor for 8 years and as Mayor from 2003 to 2009, making a valuable contribution to the Town. Tina was honoured by the Lions Club in 2005 for her commitment to the community.

Tina was further honoured with an Order of Australia medal in 2010 for services to local government and the community of Bassendean and awarded a Life Membership to the Bassendean Senior Citizens Association in 2011. Tina was inducted in the Western Australian Women's Hall of Fame in 2011.

A transcript and oral history interview is available on the Bassendean Memorial Library website.

15.0 URGENT BUSINESS

Nil

16.0 CONFIDENTIAL BUSINESS

Council Resolution – Item 16.0(a) **OCM – 18/09/20**

MOVED Cr Wilson, Seconded Cr Barty, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 7.07pm.

CARRIED UNANIMOUSLY 6/0

Item No. 16.1	Use of the Bassendean Seniors and Community Centre Kitchen for the Community Kitchen Pilot Program
Property Address (if applicable)	50 Old Perth Road, Bassendean
Landowner/Applicant (if applicable)	Town of Bassendean
File Ref	COUP/USAGE/7
Directorate	Community Planning
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Confidential Attachment	Submitted Assessment Report

This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.

Council Resolution – Item 16.0(b)
OCM – 19/09/20

MOVED Cr Gangell, Seconded Cr Wilson, that this Item be deferred to the October Ordinary Council Meeting to allow Mr Grau more time to submit a report.

CARRIED UNANIMOUSLY 6/0

Council Resolution – Item 16.0(b)
OCM – 20/09/20

MOVED Cr Gangell, Seconded Cr Wilson, that the meeting come from behind closed doors, the time being 7.10pm.

CARRIED UNANIMOUSLY 6/0

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 20 October 2020.
The next Ordinary Council Meeting will be held on Tuesday 27 October 2020.

There being no further business, the Presiding Member declared the meeting closed, the time being 7.10pm.