

# **COUNCIL MINUTES**

COUNCIL MEETING THURSDAY 7 APRIL 2022 1.00pm

#### COUNCIL MINUTES

The Ordinary Meeting of the City of Launceston Council was held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 7 April 2022

Time: 1.00pm

#### **Certificate of Qualified Advice**

#### Background

To comply with section 65 of the Local Government Act 1993 (Tas):

- 1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- 2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
- (a) the general manager certifies, in writing -
  - (i) that such advice was obtained; and
  - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
- (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

#### Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the minutes item.

Michael Stretton Chief Executive Officer

#### COUNCIL MINUTES

#### AUDIO of COUNCIL MEETINGS

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting was streamed live to and can be accessed at: <u>www.launceston.tas.gov.au/Council/Meetings/Listen</u>.

The following information was provided to members of the public in respect of attendance at the Council Meeting.

#### PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

#### **PUBLIC QUESTION TIME - AGENDA ITEM 8**

Questions received in writing by close of business Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at <u>contactus@launceston.tas.gov.au</u>, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

COUNCIL MINUTES

#### PUBLIC COMMENT ON AGENDA ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

#### LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993 (Tas). For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the Local Government Act 1993 (Tas) and all other legislation administered by or concerning Council.

#### **COUNCIL MINUTES**

Present:	Councillor	A M van Zetten (Mayor) D C Gibson (Deputy Mayor) R I Soward D H McKenzie J G Cox K P Stojansek A E Dawkins P S Spencer A G Harris T G Walker K M Preece
In Attendance:		Mr M Stretton (Chief Executive Officer) Mr D Ryan (Community and Place Network) Ms L Foster (Organisational Services Network) Mr S Eberhardt (Infrastructure and Assets Network) Mr P Gimpl (Chief Financial Officer) Mr L Scott (Acting Team Leader Communications) Mrs K Hartland (Team Leader Governance) Mrs A Rooney (Council and Committees Officer)
Apologies:	Councillor	N D Daking

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#### **COUNCIL MINUTES**

#### **1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm and noted an apology from Councillor N D Daking.

#### 2 MAYORAL ACKNOWLEDGEMENTS

The Mayor called for a minute's silence to acknowledge the contribution of Ted Sands, a former Council Alderman, who died during the week. The Mayor noted the service and passion of Mr Sands and offered the Council's sympathy to Mrs Sands and the extended family.

#### 3 DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.)

No Declarations of Interest were identified as part of these Minutes

#### **COUNCIL MINUTES**

#### 4 **CONFIRMATION OF MINUTES** Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)

**RECOMMENDATION:** 

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 24 March 2022 be confirmed as a true and correct record.

#### DECISION: 7 April 2022

#### MOTION

Moved Councillor P S Spencer, seconded Councillor A G Harris.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor R I Soward, Councillor D H McKenzie, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor P S Spencer, Councillor A G Harris, Councillor T G Walker and Councillor K M Preece

#### 5 **DEPUTATIONS**

No Deputations were identified as part of these Minutes

#### 6 PETITIONS

Local Government Act 1993 (Tas) - sections 57 and 58

No Petitions were identified as part of these Minutes

#### **COUNCIL MINUTES**

#### 7 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Minutes Items; that opportunity exists when that Minutes Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Councillors.)

### 7.1 Mr Mohammad Aldergham (Chief Executive Officer - *Variety*, the Children's Charity Tasmania)

Mr Aldergham provided information to Council on the *Inclusive Playgrounds* initiative of *Variety*, the Children's Charity Tasmania) in an effort to raise awareness of the program to provide an inclusive community for all. Mr Aldergham noted the initiative was designed to promote inclusive playgrounds and accessible spaces for all.

#### 8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

#### 8.1 Public Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

#### COUNCIL MINUTES

#### 8.1.1 Public Questions on Notice - Mr Ray Norman - 24 March 2022

#### FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

#### **QUESTIONS and RESPONSES:**

The following questions, submitted to the Council in writing on 24 March 2022 by Mr Ray Norman, have been answered by Mr Michael Stretton (Chief Executive Officer).

#### Questions:

1. Is it still the case that as the *default trustee* responsible for Queen Victoria Museum and Art Gallery (QVMAG) that you have custody over a *collection of cultural assets* with an estimated replacement value of \$2.4b that includes priceless scientific specimens, the cultural and intellectual property of cultural producers living and deceased?

#### Response:

The Queen Victoria Museum and Art Gallery (QVMAG) collection is currently valued at \$203.6m and is the responsibility of the City of Launceston to manage.

2. Is it still the case that *deaccessioning* and otherwise disposing of cultural and historic material goes on without direct Council/Trustee oversight and approval? If not where can the records be found? If so, why so?

#### Response:

The Council is not, and has not, been established as Trustees of the QVMAG acquisition/deaccession procedure. Itemised accounts of annual actions pertaining to QVMAG acquisition/deaccession are published in QVMAG Annual Reports.

3. Is it still the case that the raising of funds for the QVMAG's recurrent expenditures is via taxing ratepayers thus ensuring that expenditure and capital expenditures are secured and uncompetitively without *key performance indicators* (KPIs) being used to assess competitively against appropriate performance outcomes and in competition with other legitimate demands on the Council's budget?

#### **COUNCIL MINUTES**

#### 8.1.1 Public Questions on Notice - Mr Ray Norman - 24 March 2022 ... (Cont'd)

#### Response:

No this is not the case. The operations of the QVMAG are the subject of ongoing assessment and review against various benchmarks and KPIs that have been established.

4. Is it still the case that in broad terms, the QVMAG's annual recurrent and anticipated expenditure is something in the order of \$7m per annum without an effective and independent critical oversight of such expenditure in ways that compare like institutions elsewhere? Furthermore, how is this level expenditure accounted for on a monthly and/or quarterly basis? Also, where can such information be accessed?

#### Response:

This has never been the case. The Council has a budget and annual plan each year of around \$115m and the Councillors provide oversight through means such as the consideration and approval of the various plan and budgets and also through the consideration quarterly reports to Council outlining performance. This includes the operations of the QVMAG. This information can be gained from Council Meeting Agendas and Minutes.

5. Is it still the case that Tasmanian Minister for the Art's has provided the Council with KPIs that must/should met in order that the Council might receive ongoing recurrent grant monies? If so, where can the Council's constituents access this information? Furthermore, is the Council and the QVMAG meeting these KPIs and where is that information available for public scrutiny?

#### Response:

A response to this question was provided in the Agenda for the Council Meeting held on 10 March 2022. For convenience the response is repated below:

The Council's funding agreement with the State Government is proposed to include a set of Key Performance Indicators which are to be delivered by the QVMAG. The funding agreement is currently under negotiation with Arts Tasmania. Adoption of the funding agreement will be considered by Council in due course.

#### **COUNCIL MINUTES**

#### 8.1.1 Public Questions on Notice - Mr Ray Norman - 24 March 2022 ... (Cont'd)

6. Is it the case that the Council provides funding to the QVMAG and apparently without KPIs, that must/should met by the operation and its staff in order that the Council might measure outcomes against appropriate expectations in competition with other budget allocations. Furthermore, if such KPIs exist, where can a record of them be obtained?

#### Response:

A response to this question was provided in the Agenda for the Council Meeting held on 10 March 2022. For convenience the response is repated below:

The Council has been working on a QVMAG Future Direction Plan which will be formally considered at a Council Meeting in the next couple of months.

7. Is it the case that you, as Councillors/Trustees/Custodians, of significant cultural assets and the operation of cultural institution you are *comfortable* with the level of QVMAG's governance provided by yourselves and consequently your accountability to constituents, donors, sponsors, the research community and the funding agencies, institutions and *trusts* that fund QVMAG activities?

#### Response:

This is really a question that can only be answered by each individual Councillor. However, as an overarching statement and as previously outlined, the Council applies oversight to the operations of the QVMAG through means such as the consideration and approval of the various plans and budgets, but also through the consideration of quarterly reports to Council outlining performance.

8. Is it the case that you, as Councillors/Trustees/Custodians (recent and past Councils), oversighted a situation that has deteriorated incrementally to the extent that in order to protect all that is now invested and that has been invested, in the QVMAG for over 130 years indicates that you now need to take urgent action to protect these iconic Tasmanian cultural assets and institution?

#### Response:

No, this is not the case.

#### **COUNCIL MINUTES**

#### 8.1.1 Public Questions on Notice - Mr Ray Norman - 24 March 2022 ... (Cont'd)

- 9. Given that it appears that the QVMAG as an institution has not been presented a *performance review* of any kind since the 2021 Annual General Meeting when does the Council expect to be able to:
  - report on comparative attendance levels for the past 18 months and the *metrics* relative to cost of a visitation to the QVMAG's campuses;
  - report on current staffing levels, effective full time and casual and its skills base;
  - report on the current status of the QVMAG collections audit;
  - report on programming and future planning relative to the institution's *purpose for being*;
  - report on the operations research outcome and consequent publications;
  - report on acquisitions, gifts, donations and any proposed, deaccessions or proposed asset disposals;
  - report on any awards, grants received or gifts received by the QVMAG of individual staff members?

#### Response:

It is not the case that the QVMAG has not reported to the Council since the 2021 Annual General Meeting. The Council has been developing a Future Direction Plan for the QVMAG for some time and has been in liaison with the State Government in this process. This will be formally considered by Council in the near future. However, it is noted that much of the information that has been cited in the question is operational in nature which is managed by the General Manager Creative Arts and Culture.

10. Do you as Councillors and the default Trustees, the QVMAG's governing body, believe that you are fully accountable, indeed appropriately accountable, for the expenditure of monies levied from ratepayers, drawn from the *public purse* and the donations to the institution by benefactors of various kind providing cash, in-kind support and not to mention important cultural assets to be held in trust?

#### Response:

Yes. Refer previous responses.

#### **COUNCIL MINUTES**

#### 8.1.2 Public Questions on Notice - Mr Ray Norman - 26 March 2022

#### FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

#### **QUESTIONS and RESPONSES:**

The following questions, submitted to the Council in writing on 26 March 2022 by Mr Ray Norman, have been answered by Mr Michael Stretton (Chief Executive Officer).

#### **Questions:**

1. Firstly, is there a Committee, officer or Councillor tasked to liaise with and work with community groups in order that their issues can be appropriately brought to the attention of Council and addressed when and where appropriate?

#### Response:

Yes. The Council employs Officers in many professions and disciplines who are available to work with community groups depending upon their circumstances and needs. For example, Officers in the Community Development Team will provide community development advice and support, whilst officers in the City Development Team will provide land use advice and support (etc). However, the Council cannot be all things to all people and there will be certain situations where the Council simply cannot meet the needs of a particular community group. Both Councillors and Officers work hard to ensure that these situations are thankfully in the minority.

If there is not such a Committee, officer or Councillor - as there is in other jurisdictions

 what is the Council's strategic rationale for not offering such a service to ratepayers
 et al in a municipality that arguably levies one of Australia's highest Council rate
 demands?

#### Response:

It is simply not the case that the City of Launceston levies one of Australia's highest rate demands. The City of Launceston's rate demand is not even the highest within Tasmania. As outlined in the response to Question 1, the Council does provide support for community groups across its range of services depending upon the circumstances and needs of the group.

#### **COUNCIL MINUTES**

#### 8.1.2 Public Questions on Notice - Mr Ray Norman - 26 March 2022 ... (Cont'd)

3. If there is such a Committee, officer or Councillor, where is this advertised and by what means can a community group/organisation discover that, contact key personnel, engage with and thus become a recipient of the services available and on offer it any?

#### Response:

Any community group is able to make enquiries of the Council through the various contact points - refer: https://www.launceston.tas.gov.au/Contact. The Council will refer any such requests to the appropriate Officers for follow up and response.

All the Council's Committees can be found at: https://www.launceston.tas.gov.au/Council/Committees.

4. If there is such a Committee, officer or Councillor, what fees for access to their services are payable on the expectation of an agreed outcome will be delivered?

#### Response:

Nil.

5. If there is such a Committee, officer or Councillor, where and how is their existence marketed, along with the criteria for eligibility service provision and the scope of servicing articulated, in order that the communality is provided with meaningful opportunities to seek assistance?

#### Response:

Information on the Council's services is provided on the City of Launceston's website.

6. If there is such a Committee, officer or Councillor - assuming that there should/could be - what kind of timeframe might community members expect, or plan for, in regard to receiving first contact and ultimate engagement relative to their issue in hand?

#### Response:

Please refer to the Council's Customer Service Charter at: https://www.launceston.tas.gov.au/Contact.

#### **COUNCIL MINUTES**

#### 8.1.2 Public Questions on Notice - Mr Ray Norman - 26 March 2022 ... (Cont'd)

7. If there is such a Committee, officer or Councillor, is there a dedicated budget allocation in the Council's recurrent budget to enable it/them to fulfil their role effectively and in a timely way?

#### Response:

The annual plan and budget provide resources for the Council's Officers to respond to service requests received from community groups. There is no single budget allocation, nor does there need to be.

8. If there is such a Committee, officer or Councillor, why does it/they not formally report to Council on a timely basis given that currently this appears not to be the case?

#### Response:

Matters concerning enquiries from community groups will be presented to Meetings of Council when there is need for a Council decision. This will generally relate to requests for funding and/or other forms of support.

#### COUNCIL MINUTES

#### 8.1.3 Public Questions on Notice - Mr Ray Norman - 26 March 2022

#### FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

#### **QUESTIONS and RESPONSES:**

The following questions, submitted to the Council in writing on 26 March 2022 by Mr Ray Norman, have been answered by Mr Michael Stretton (Chief Executive Officer).

#### Questions:

1. Will Council now task the Chief Executive Officer to initiate a proactive marketing strategy that advocates that eligible people to enrol to vote at the next Local Government Election?

#### Response:

The Council's focus in the lead up to the Local Government elections will be to provide information for prospective candidates and there will be a public information session or sessions held closer to the election. The Council will support efforts made by the Tasmanian Electoral Commission and/or the Local Government Association of Tasmania in relation to encouraging voter participation.

2. Furthermore, will you as Councillors make yourselves available to discuss with the city's eligible residents et al their eligibility to vote in Local Government elections in Tasmania?

#### Response:

This is a matter for each Councillor to answer individually. However, as a collective, it would be fair to acknowledge that the contact details for all Councillors are made publicly available for any persons wishing to engage with them.

3. Furthermore, will you as Councillors set in motion a strategic initiative via social media and other means to assist and encourage eligible citizens to participate in the city's democratic processes?

#### Response:

Refer to previous responses.

#### **COUNCIL MINUTES**

Thursday 7 April 2022

#### 8.1.3 Public Questions on Notice - Mr Ray Norman - 26 March 2022 ... (Cont'd)

4. Finally, will you as Councillors ensure that the city's website makes all relevant information in regard to this matter clearly available and accessible?

#### Response:

Information and/or links to information is provided on the Council's website and is updated as new information and resources become available.

#### COUNCIL MINUTES

#### 8.1.4 Public Questions on Notice - Mr Ray Norman - 27 March 2022

#### FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

#### **QUESTIONS and RESPONSES:**

The following questions, submitted in writing to the Council on 27 March 2022 by Mr Ray Norman, have been answered by Mr Michael Stretton (Chief Executive Officer).

#### Questions:

 Is it the case that in 2018 Council workshopped a policy determination off the records and away from public scrutiny that in fact contravenes the *Local Government Act 1993* (Tas) both in law and the spirit of the Act in regard to opting out of the payment of a levy?

#### Response:

No, this is not the case. The current Residential Waste Charges Policy (the Policy) was formally approved by Council at its Meeting on 11 July 2019. The relevant Agenda may be accessed at: https://www.launceston.tas.gov.au/Agendas-Minutes.

2. Is it the case that it is ambiguous as to whether or not the policy that ratepayers cannot opt out of the payment of the levy for the kerbside recycling and garbage under any circumstance and apparently in contravention of the Act is apparently not appropriately determined in open Council and voted on by Councillors at the table?

#### Response:

No, this is not the case. The Policy clearly sets out that single residential rateable properties cannot opt out of the kerbside recycling or garbage service, unless, in the opinion of the General Manager, a property cannot be serviced due to the condition of the road (including practicability to use by collection vehicles), status/limitation given non-public roads, or due to commercial considerations (including unreasonable cost to provide the service). In such situations, the ratepayer can choose to either:

- (a) provide their own service and have the waste charge removed from their annual rates bill, or
- (b) pay the waste charge and move their bins to the nearest serviceable road on each collection day.

#### **COUNCIL MINUTES**

#### 8.1.4 Public Questions on Notice - Mr Ray Norman - 27 March 2022 ... (Cont'd)

3. Is there any fairness or justice at all in imposing a levy upon ratepayers who at their own expense, and by their own means, have determined to manage unused and surplus to requirement resources - deemed by the Council to be waste - in accord with zero waste imperatives on their own property and sustainably so?

#### Response:

The Policy is in place to ensure that the Council is able to deliver efficient and cost effective municipal services. In order to achieve this it is necessary that there is certainty of funding for the services as well as equity across the rate-base.

4. Moreover, given that the Council demonstrably remains committed to be persistent in maintaining an expensive and environmentally recalcitrant landfill waste management strategy while tried, tested, proven and implemented strategies are available and in use in other Australian jurisdictions, is there any fairness or equity in denying ratepayers the opportunity to opt out of a waste management strategy that does not fit their circumstance while they themselves recover and use resources deemed by Council to be waste?

#### Response:

Please refer to the Council's website: https://www.launceston.tas.gov.au/Natural-Environment-and-Waste/Waste-Centres to fully understand the Council's waste management service. It is vital that efficient and cost effective waste collection services are provided by the Council and the Policy ensures this can be achieved.

5. Is it the case that as Councillors representing Launceston's citizenry are disinclined to engage with ratepayers in regard to matters such those presented here?

#### Response:

No, this is not the case. It is clear that the Policy was considered by Council in an open meeting which provides transparency in its decision making. The contact details for all Councillors are made publicly available for any persons wishing to engage with them.

#### **COUNCIL MINUTES**

#### 8.1.4 Public Questions on Notice - Mr Ray Norman - 27 March 2022 ... (Cont'd)

6. Furthermore, is it the case that Council, despite its climate emergency policy has determined not to be proactive in pursuance of anything resembling zero waste and 21<sup>st</sup>C recourse recovery strategies any time soon?

#### Response:

This is not the case. Please refer to the Council's website at: https://www.launceston.tas.gov.au/Natural-Environment-and-Waste/Sustainability and the Towards Zero Emissions Action Plan 2021-2025 which was approved by Council on 29 July 2021 at: https://www.launceston.tas.gov.au/Agendas-Minutes to better understand the Council's actions in this area.

#### **COUNCIL MINUTES**

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#### 8.2 Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

#### 8.2.1 Mr Jim Dickinson - Albert Hall Redevelopment

1. Why is nothing being done to the main hall, for example upgrading the stage, improving acoustics, etc.?

Mr Shane Eberhardt (General Manager Infrastructure and Assets Network) responded by saying that there is a two-stage process before the external redevelopment, including works to make the current hall more useable in terms of accessibility, acoustics and improvements to best utilise the existing hall.

- 2. With regard to entering the first floor of the redevelopment of the Albert Hall, can consideration be given to redesigning the currently planned entrance so as to avoid walking past toilets?
- 3. Are you aware that upstairs, the proposed new Meeting Room on the first floor is smaller than the one that is available now. The redevelopment also lacks the balcony attached to the current Meeting Room?

The Mayor, Councillor A M van Zetten, responded by saying that the issues raised in Questions 2. and 3. would be considered as part of the Development Application stage of the project.

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Thursday 7 April 2022

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

#### 9 PLANNING AUTHORITY

No Development Applications were identified as part of these Minutes

#### **COUNCIL MINUTES**

#### 10 ANNOUNCEMENTS BY THE MAYOR

**10.1 Mayor's Announcements** 

FILE NO: SF2375

#### Wednesday 30 March 2022

• Attended Mudlark Theatre's show Girl Running, Boy Falling

#### Thursday 31 March 2022

• Attended the Junction Arts Festival event

#### Friday 1 April 2022

• Attended *Cricket North's* - end of season presentations at the Northern Tasmanian Cricket Association

#### Monday 4 April 2022

- Attended the 30<sup>th</sup> birthday cocktail event for the *Northern Occupational Support Service Tasmania*
- Attended the Wider Earth Performance at the Princess Theatre

#### Tuesday 5 April 2022

• Hosted a civic function to mark the 60th anniversary of Tatlers Women Writers of Northern Tasmania at Town Hall

#### Wednesday 6 April 2022

• Officiated at the quarterly citizenship ceremony at the Tramsheds, Inveresk

The Mayor thanked the Deputy Mayor, Councillor D C Gibson, for filling in for him whilst on leave.

The Mayor noted that he did not attend either Mudlark Theatre's show *Girl Running, Boy Falling* as it was postponed or the 30<sup>th</sup> birthday cocktail event for the *Northern Occupational Support Service Tasmania* due to postponements.

However, the Mayor did attend an afternoon function of the *Northern Occupational Support Service Tasmania* at the Tailrace Centre.

#### **COUNCIL MINUTES**

#### Thursday 7 April 2022

#### 11 COUNCILLORS' REPORTS

(This item provides an opportunity for Councillors to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

- 11.1 Councillor D C Gibson
- Commented on the passion, commitment and contribution of former Alderman Ted Sands noting his particular advocacy for both the Launceston Aquatic Centre and the *kanamaluka*/Tamar River
- Referenced the *Junction Arts Festival* event held last Thursday and noted the upcoming May and October iterations
- 11.2 Councillor D H McKenzie
- Highlighted the contribution of former Alderman Ted Sands and noted his continual commitment when representing the citizens of Launceston
- Acknowledged the resignation of Peter Gutwein and highlighted his efforts during the COVID-19 pandemic
- Attended the 60th anniversary celebration of *Tatlers Women Writers of Northern Tasmania* at Town Hall
- Attended the citizenship ceremony at the Tramsheds, Inveresk
- Extended an invitation to Councillors and members of the community to attend the *Northern Suburbs Community Centre's* Friday coffee mornings, between 10.00am and 12.00noon, at *The Shed*, Rocherlea
- 11.3 Councillor A G Harris
- Noted the contribution of former Alderman Ted Sands to the Council and the community
- Chaired the inaugural meeting of the City of Launceston's newly formed Transport Committee
- Attended Newstead College Association's Annual General Meeting
- Attended and chaired the Launceston Safer Community Partnership Meeting and noted discussions relating to issues in Riverbend Park, anti-hooning and homelessness in Launceston
- 11.4 Councillor K M Preece
- Attended Launceston's Family Planning facility opening on 31 March 2022
- 11.5 Councillor R I Soward
- Noted the contribution of former Alderman Ted Sands and passed on condolences to his family

#### **COUNCIL MINUTES**

#### 12 QUESTIONS BY COUNCILLORS

#### 12.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

No Councillor's Questions on Notice were identified as part of these Minutes

#### **12.2 Questions Without Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

#### **COUNCIL MINUTES**

12.2.1 Councillor T G Walker - Inveresk Car Park Revenue

1. With regards to the Northern Inveresk Car Park, does the Council have any meaningful figures regarding the use of the car park and therefore, the revenue received from that facility?

The Mayor, Councillor A M van Zetten, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 21 April 2022.

#### **COUNCIL MINUTES**

Thursday 7 April 2022

#### 13 COMMITTEE REPORTS

#### 13.1 Cataract Gorge Reserve Advisory Committee Meeting - 8 February 2022

FILE NO: SF0839

AUTHOR: Anthea Rooney (Council and Committees Officer)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

#### **DECISION STATEMENT:**

To receive and consider a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 8 February 2022.

#### **RECOMMENDATION:**

That Council receives the report from the Cataract Gorge Reserve Advisory Committee Meeting held on 8 February 2022.

Ms L Foster (General Manager Organisational Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 April 2022

MOTION

Moved Councillor T G Walker, seconded Councillor A G Harris.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### COUNCIL MINUTES

#### 13.2 Cultural Advisory Committee Meeting - 9 February 2022

FILE NO: SF7357

AUTHOR: Mengda Liu (Cultural Development Officer)

**GENERAL MANAGER:** Dan Ryan (Community and Place Network)

#### **DECISION STATEMENT:**

To receive and consider a report from the Cultural Advisory Committee Meeting held 9 February 2022.

#### **RECOMMENDATION:**

That Council receives the report from the Cultural Advisory Committee Meeting held on 9 February 2022.

Mr D Ryan (General Manager Community and Place Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 April 2022

#### MOTION

Moved Councillor D C Gibson, seconded Councillor D H McKenzie.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### COUNCIL MINUTES

#### 13.3 Launceston Access Advisory Committee Meeting - 2 March 2022

FILE NO: SF0025

AUTHOR: Tracey Mallett (Manager Liveable Communities)

**GENERAL MANAGER:** Dan Ryan (Community and Place Network)

#### **DECISION STATEMENT:**

To receive and consider a report from the Launceston Access Advisory Committee Meeting 2 March 2022.

#### **RECOMMENDATION:**

That Council receives the report from the Launceston Access Advisory Committee Meeting held on 2 March 2022.

Mr D Ryan (General Manager Community and Place Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 April 2022

#### MOTION

Moved Councillor A E Dawkins, seconded Councillor D H McKenzie.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### COUNCIL MINUTES

#### 13.4 Audit Panel Meeting - 15 March 2022

FILE NO: SF3611

AUTHOR: Paul Gimpl (Chief Financial Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

#### **DECISION STATEMENT:**

To receive a report from the Audit Panel Meeting held on 15 March 2022.

#### **RECOMMENDATION:**

That Council receives the report from the Audit Panel Meeting held on 15 March 2022.

Ms L Foster (General Manager Organisational Services Network) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 April 2022

#### MOTION

Moved Councillor D H McKenzie, seconded Councillor T G Walker.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### **COUNCIL MINUTES**

## 14COUNCIL WORKSHOPS<br/>Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

#### 14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

#### **DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

#### **RECOMMENDATION:**

That, pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 31 March 2022 were:

#### Public Art Strategy Background

Councillors were provided with information on the rationale for the development of the City's inaugural Public Art Strategy.

#### Albert Hall Conservation Management Plan

Councillors had an opportunity to discuss the Albert Hall Conservation Management Plan.

#### Nexsphere

Councillors received a presentation on Nexphere's proposed offshore wind energy project.

#### **City Park Monkeys**

Councillors discussed the management of the City Park monkeys.

#### **Homeless Locker Trial Update**

Information was provided on an update on the trial of homeless lockers in Royal Park and a desire to extend trial period.

#### Follow up Discussion - Budget 2022/2023

Councillors engaged in follow up discussions regarding the proposed 2022/2023 budget.

#### **COUNCIL MINUTES**

#### Thursday 7 April 2022

#### 14.1 Council Workshop Report ...(Cont'd)

#### Local Government Reform

The Local Government Board Review was discussed in order to consider the policy positions that will be adopted by the Council.

Ms L Foster (General Manager Organisational Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 April 2022

MOTION

Moved Councillor A E Dawkins, seconded Councillor A G Harris.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### **COUNCIL MINUTES**

#### **15 NOTICES OF MOTION** Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion were identified as part of these Minutes

#### 16 COMMUNITY AND PLACE NETWORK ITEMS

No Items were identified as part of these Minutes

#### 17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

#### 18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items were identified as part of these Minutes

#### COUNCIL MINUTES

#### **19 ORGANISATIONAL SERVICES NETWORK ITEMS**

19.1 Financial Report to Council - 31 December 2021

FILE NO: SF3611

AUTHOR: Nathan Williams (Manager Finance)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

#### **DECISION STATEMENT:**

To consider Council's financial performance for the period ended 31 December 2021.

#### PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 15 March 2022 - Agenda Item 8.1 - Capital Report

Audit Panel - 15 March 2022 - Agenda Item 8.3 - Financial Statements (Analysis and Commentary)

#### **RECOMMENDATION:**

That Council adopts the operational and capital financial reports for the period ended 31 December 2021 and notes that the operational report discloses an underlying deficit of \$1.339m, favourable against a budgeted deficit of \$5.497m.

Ms L Foster (General Manager Organisational Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 April 2022

MOTION

Moved Councillor D H McKenzie, seconded Councillor T G Walker.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### COUNCIL MINUTES

#### 19.2 Audit Panel Charter (14-Plx-010)

FILE NO: SF3611

AUTHOR: Leanne Purchase (Manager Governance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

#### **DECISION STATEMENT:**

To consider an amendment to the Audit Panel Charter.

#### PREVIOUS COUNCIL CONSIDERATION:

Council - 25 February 2021 - Agenda Item 19.2 - Audit Panel Charter (14-Plx-010)

#### **RECOMMENDATION:**

That Council approves the Audit Panel Charter (14-Plx-010) as follows:

#### Audit Panel Charter

#### PURPOSE:

To set out the role, responsibilities, structure and processes of the Audit Panel.

#### SCOPE:

Applies to the oversight of all the Council's policies and processes (used in all the Networks and entities that are subject to the Council's control) that manages, administers or operates the systems of:

- (a) financial control and reporting, or
- (b) audit, or
- (c) risk.

#### POLICY:

#### Legislative Framework

The Audit Panel is established by section 85(1) of the *Local Government Act* 1993 (Tas) and is subject to the provisions of the *Local Government (Audit Panels) Order 2014.* 

#### Objectives

The Audit Panel is an advisory committee with responsibilities as detailed in this Charter. The key objectives of the Audit Panel are:

- (a) to assist the Council in the effective conduct of its financial reporting responsibilities;
- (b) the management of risk;
- (c) maintaining a reliable system of internal controls;

#### COUNCIL MINUTES

#### 19.2 Audit Panel Charter (14-Plx-010) ...(Cont'd)

- (d) facilitating the conduct of the Council's activities in an ethical and responsible manner; and
- (e) review the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position.

The Audit Panel is to:

- (a) assist with the coordination of the internal and external audit functions to achieve overall organisational objectives in an efficient and effective manner; and
- (b) oversee changes to the Council estimates in accordance with section 82 of the Local Government Act 1993 (Tas).

Outcomes sought for the Council and the community through the activities of the Audit Panel include:

- (a) enhanced internal and external financial reporting;
- (b) effective risk (financial and operational) management;
- (c) compliance with best practice guidelines, legislation and regulation;
- (d) an effective internal audit function; and
- (e) facilitation of effective communication between the auditors (internal and external), management and the Council.

#### **Role and Authority**

The Audit Panel's role is to advise and make recommendations to the Council on matters relevant to the Audit Panel's objectives.

The Audit Panel does not have authority to instruct management or authorise expenditure. However, the Audit Panel can request management take action or provide information and as part of its reporting to Council, advise of any circumstances where these requests have not been agreed to.

#### Responsibilities

The Audit Panel is appointed to support the Council in the oversight of those activities necessary to progress and achieve organisational objectives.

Following are some of the duties of the Audit Panel related to the key objectives:

#### Financial and Management Reporting

(a) Review the Council's annual financial report, including:

- accounting policies and practices (including changes)
- the process used to make significant accounting estimates
- significant adjustments (if any) arising from audit process
- compliance with reporting requirements, and
- significant variances from estimates or prior years.

#### **COUNCIL MINUTES**

#### 19.2 Audit Panel Charter (14-Plx-010) ... (Cont'd)

- (b) Review draft quarterly financial reports; and
- (c) Review any business unit or special financial reports.

#### Integration of Plans Under Part 7 of the Local Government Act 1993 (Tas)

Review the Council's performance, whether and how the strategic plan, annual plan, longterm financial management plan and long-term strategic asset management plan are integrated and the processes by which, and assumptions under which, those plans are prepared.

#### **Risk Management**

- (a) Monitor any significant issues relating to risk management, management's response and the actions taken as a result; and
- (b) Monitor the risk exposure of the Council by determining if management has appropriate risk management processes and adequate management information systems.

#### **Internal Audit**

- (a) Review and approve the scope of the internal audit plan and program and the effectiveness of the function. The review should consider whether the plan systematically addresses:
  - internal controls over significant areas of risk
  - internal controls over revenue, expenditure, assets and liability processes
  - value for money of significant Council programs, and
  - compliance with legislation, policies and contractual terms.
- (b) Review the appropriateness of special internal audit assignments.
- (c) Review internal audit reports and monitor the performance of management in responding to recommendations.
- (d) Facilitate the interaction between the internal and external auditor to achieve optimal audit efficiency.
- (e) Monitor ethical standards and any related party transactions to determine whether the systems of control are adequate.

#### **External Audit**

- (a) Review and approve the scope and planning of the external audit with the auditor.
- (b) Discuss any issues including those raised in the management letter and support the final resolution of these matters.

#### Other

- (a) Review tendering arrangements and advise the Council.
- (b) Review issues relating to National Competition Policy.
- (c) Review performance indicators.
- (d) Consider any performance audit reports presented by the Auditor General and the implications for the Council.

#### **COUNCIL MINUTES**

#### 19.2 Audit Panel Charter (14-Plx-010) ...(Cont'd)

- (e) Identify or oversee the investigation (including issues referred by the Council or the Chief Executive Officer) and reporting of any areas or issues requiring review.
- (f) Oversee the investigation of any suspected cases of fraud.
- (g) Monitor any major claims or lawsuits by or against the Council.
- (h) Report to Council after each Meeting and as necessary on the issues considered and the Panel's performance indicators.

#### **Membership and Remuneration**

The membership of the Audit Panel will be consistent with the requirements of clause 5 of the *Local Government (Audit Panels) Order 2014* in particular:

- (a) minimum of three and a maximum of five members;
- (b) requirements for independent members; and
- (c) eligibility for membership.

The membership of the Audit Panel will be:

- (a) two councillors appointed through the process for the Council's committees, and
- (b) at least three external independent members, one of whom will be the Chair.

The Council's Community Appointments to Advisory Committees Policy (14-Plx-029) provides a framework for the appointments of members of the public to committees.

In regard to this Policy these provisions are extended as follows:

- (a) The Chair is required to have relevant business or commercial experience and preferably qualifications.
- (b) The Chair must meet requirements commonly referred to as the *fit and proper person test.*
- (c) The Chair must not have any conflict of interest or conflict of duty in the matters that are likely to be considered by the Audit Panel.
- (d) The Chair must be available to attend meetings subject to the usual meeting schedule, as determined by the Audit Panel from time to time.
- (e) Remuneration will be paid to each external member of the Audit Panel on a set fee per annum, or another basis as appropriate.
- (f) The evaluation of any external persons will be undertaken by the Mayor and Chief Executive Officer with a recommendation for appointment to be made to the Council.
- (g) Appointments of external persons are for a period of up to four years, subject to a maximum term of eight years.
- (h) If the Council proposes to remove a member of the Audit Panel it must give written notice to the member and provide that member with the opportunity to be heard at a Council meeting which is open to the public.

#### COUNCIL MINUTES

#### 19.2 Audit Panel Charter (14-Plx-010) ...(Cont'd)

#### Meetings

Consistent with the Local Government (Audit Panels) Order 2014:

- (a) the Panel shall meet at least quarterly, to coincide with reporting requirements. Clause 11(2) requires a minimum of four meetings per year. Given the responsibilities of the Audit Panel it is expected that there will be six to eight meetings per year.
- (b) additional meetings shall be convened at the discretion of the Chair or the written request of:
  - Mayor;
  - Chief Executive Officer;
  - Audit Panel Member; or
  - Auditor.
- (c) an external member of the Audit Panel shall be appointed as Chair (clause 6). In the absence of the Chair, Audit Panel members will appoint an acting Chair for the meeting.
- (d) a quorum shall be consistent with the requirements of clause 11(3) and (4) namely:
  - i. majority of the total number of members, and
  - ii at least two members who are independent members.
- (e he Chief Executive Officer, or delegate and the internal auditor should attend all meetings, except where the full Audit Panel chooses to meet in camera.
- (f) the Council's employees and Councillors may be invited to attend at the discretion of the Audit Panel.
- (g) secretarial and administrative support shall be provided through the Organisational Services Network.
- (h) meetings shall be minuted and an Agenda prepared and distributed at least four days prior to the meeting. The Agenda will be structured around the functional areas of responsibility, being reporting, audit and risk.
- (i) the Agenda will be available to Councillors, the Chief Executive Officer, General Managers and employees involved in the meeting.

#### **PRINCIPLES:**

- The Audit Panel is to be independent and is to act independently of management and the Council.
- The Audit Panel has decision making power within the scope of its role and expertise to assist with the effective governance of the Council. Management are required to ensure that all reasonable requests are complied with and that reasonable financial resources are provided, within the budget framework.
- The Audit Panel will discharge its role in a constructive way that improves the operation of the Council in the area of Audit Panel responsibility.

#### **COUNCIL MINUTES**

#### 19.2 Audit Panel Charter (14-Plx-010) ...(Cont'd)

#### **RELATED POLICIES AND PROCEDURES:**

11-Plx-001 Procurement Policy
11-Pl-002 Tender Review Committee Policy
12-Pl-001 Budget Management Policy
14-Plx-029 Community Appointments to Advisory Committees Policy
14-Plx-012 Committee Representation Details
14-Plx-032 Code of Conduct for Councillors
22-Pl-030 Code of Conduct Policy
14-Pl-036 Audit Panel Code of Conduct

#### **RELATED LEGISLATION:**

Local Government Act 1993 (Tas) Audit Act 2008 (Tas) Local Government (Audit Panels) Order 2014

#### **REFERENCES:**

Audit Committees - A Guide to Good Practice ISBN 978-1-876604-03-05 (AICD) Local Government Audit Panels - A Practice Guide (Revised March 2018) - Department of Premier and Cabinet, Tasmania

#### **DEFINITIONS:**

*Fit and Proper Person Test* - refers to assessing the capability of a person in terms of their qualifications and experience (Fit) and ethical standards (Proper).

#### **REVIEW:**

This policy will be reviewed no more than three years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

Ms L Foster (General Manager Organisational Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

#### COUNCIL MINUTES

19.2 Audit Panel Charter (14-Plx-010) ...(Cont'd)

#### DECISION: 7 April 2022

MOTION

Moved Councillor D H McKenzie, seconded Councillor T G Walker.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

#### **COUNCIL MINUTES**

#### 20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

#### 21 CLOSED COUNCIL

This decision requires an absolute majority of Council

#### **RECOMMENDATION:**

That Council moves into Closed Session to consider the following matters:

#### 21.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations* 2015 states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

#### 21.2 Appointment of Acting Chief Executive Officer

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations* 2015 states that a part of a meeting may be closed to the public to discuss:

(a) personnel matters, including complaints against an employee of the council and industrial relations matters.

#### DECISION: 7 April 2022

#### MOTION

Moved Councillor R I Soward, seconded Councillor A E Dawkins.

That Council moves into Closed Session.

#### **CARRIED BY ABSOLUTE MAJORITY 11:0**

#### COUNCIL MINUTES

Council moved into Closed Session at 1.47pm. Council returned to Open Session at 1.49pm.

#### 21.3 End of Closed Session

To be determined in Closed Council.

#### **RECOMMENDATION:**

That, pursuant to Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, resolves to report in Open Session that it has considered the following matters in Closed Session.

Minutes Item	Matter	Brief Description
21.1	Closed Council Minutes - 24 March 2022.	Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 24 March 2022.
21.2	Appointment of Acting Chief Executive Officer.	Councillors endorsed appointment of Acting Chief Executive Officer to cover scheduled leave period.

#### DECISION: 7 April 2022

#### MOTION

Moved Councillor R I Soward, seconded Councillor A G Harris.

That the Motion, as per the Recommendation to Council, be adopted.

#### CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor R I Soward, Councillor D H McKenzie, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor P S Spencer, Councillor A G Harris, Councillor T G Walker and Councillor K M Preece

#### 22 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 1.50pm.