



MINUTES

Ordinary Council Meeting

6.00pm Tuesday 26 February 2019

VENUE:
Linton Customer Service Centre
Council Chambers
68 Sussex Street, Linton

NEXT ORDINARY COUNCIL MEETING
6.00pm Tuesday 26 March 2019

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at www.goldenplains.vic.gov.au

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**MINUTES OF GOLDEN PLAINS SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE LINTON CUSTOMER SERVICE CENTRE, COUNCIL CHAMBERS, 68 SUSSEX
STREET, LINTON
ON TUESDAY, 26 FEBRUARY 2019 AT 6.00PM**

PRESENT: Mayor Owen Sharkey (Mayor), Cr Helena Kirby, Cr Joanne Gilbert, Cr Nathan Hansford, Cr Des Phelan, Cr Les Rowe

IN ATTENDANCE: CEO Eric Braslis, Director Assets and Amenity Greg Anders, Acting Director Community Service Steven Sagona, Director Corporate Services Philippa O'Sullivan, Corporate Governance Coordinator Candice Holloway

1 OPENING DECLARATION

The Mayor read the Opening Declaration

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Custodians of the land and paid his respects to elders both past and present.

3 APOLOGIES AND LEAVE OF ABSENCE

Cr David Evans (Apology)

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Des Phelan
Seconded: Cr Helena Kirby

That the minutes of the Ordinary Council Meeting held on 22 January 2019 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Owen Sharkey declared a indirect conflict of interest in Item 6.5 Development Plan (DP012) 72 Woodman Road, Lethbridge under Section 78B of the Local Government Act 1989 - conflicting duty. The nature of the interest being Cr Owen Sharkey is the selling agent for the property. Cr Owen Sharkey left the meeting at 7.05pm and returned at 7.12pm. Cr Owen Sharkey was absent whilst this matter was being discussed and considered.

6 BUSINESS REPORTS FOR DECISION

6.1 DELEGATES REPORT - 30 JANUARY 2019 TO 25 FEBRUARY 2019

Cr Owen Sharkey

31 January	Meeting with WestWind Energy
4 February	Meeting with Richard Riordan MP
4 February	AFL Geelong Cats Community Camp launch
5 February	Ballarat Stakeholder Lunch
7 February	MAV Strategic Planning Meeting
8 February	Federal funding announcement with Sarah Henderson MP
12 February	Audit & Risk Committee Meeting
14 February	Meeting with Minister Jaala Pulford
15 February	Teesdale Primary School Leader Presentation
19 February	Councillor Briefing meeting
19 February	G21 Mayors and CEOs Canberra delegation
20 February	G21 Mayors and CEOs Canberra delegation
21 February	Tourism Geelong and Bellarine Special Board Meeting
22 February	G21 Board Meeting
22 February	Meeting with Inverleigh Progress Association
25 February	Inverleigh Streetscape Draft Master Plan Community meeting

Cr Joanne Gilbert

11 February	Highlands LLEN Committee of Management meeting
19 February	Councillor Briefing meeting
25 February	Studio interview with Voice FM
25 February	Inverleigh Streetscape Draft Master Plan Community meeting

Cr Helena Kirby

13 February	Prevention Lab Ideas Exchange
19 February	Councillor Briefing meeting
25 February	Inverleigh Streetscape Draft Master Plan Community meeting

All other Councillors gave a verbal update on their attendances of various Council and community functions over the month.

6.2 PLANNING APPLICATION P18-223 - 9 LOT RESIDENTIAL SUBDIVISION AT 97 SMITH ROAD, LETHBRIDGE

EXECUTIVE SUMMARY

This report relates to a planning permit application (P18-223) for development of a nine (9) lot subdivision at 97 Smith Road, Lethbridge. The subject site is zoned Low Density Residential (LDRZ) and subject to Design and Development Overlay 5 (DD05), and partially subject to Environmental Significance Overlay 3 (ES03). The application is brought to Council for determination because objections have been received against the issue of the permit which have not been able to be resolved.

This application was first considered by Council at the January 2019 Ordinary Meeting. Council resolved to defer making a determination on the application to the February Ordinary Meeting to allow further consideration of matters including the capacity of the lots to properly dispose of effluent on site, the proposed common property access, drainage and footpath location and construction.

This report provides a background to the application, a summary of relevant planning considerations and an officer recommendation which supports the issue of a planning permit.

SUSPENSION OF STANDING ORDERS

Moved: Cr Nathan Hansford

Seconded: Cr Les Rowe

A motion was moved that Council suspend standing orders.

CARRIED

Nicholas Clark (objector) addressed the Council

Gerald Dupe (objector) addressed the Council

Andrea Tomkinson (on behalf of the applicant) addressed the Council

Dean Edwards (on behalf of the applicant) addressed the Council

Heidi Crowe (applicant) addressed the Council

RESUMPTION OF STANDING ORDERS

Moved: Cr Joanne Gilbert

Seconded: Cr Nathan Hansford

A motion was moved that Council resume standing orders.

CARRIED

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Joanne Gilbert

That Council resolves to issue a Notice of Decision to grant a permit for the development of the land for the purposes of a nine [9] lot subdivision at 97 Smith Road, Lethbridge (Lot 1 PS 304651), with conditions as listed in the report.

CARRIED

6.3 PLANNING APPLICATION P17-309 - DEVELOPMENT OF LAND FOR A THREE LOT SUBDIVISION AT 38 EAGLE COURT, TEESDALE

EXECUTIVE SUMMARY

This report relates to a planning application for the development of land for a three [3] lot subdivision at 38 Eagle Court, Teesdale. The subject site is located in the Low Density Residential Zone with Design and Development Overlay Schedule 5. A planning permit is required by the scheme under the zone and overlay for subdivision of the land. Objections have been received raising concerns in regard to amenity impacts and traffic impacts. The application is brought to Council for determination as the grounds of objection were not able to be resolved. The officer's report provides a background to the application, a summary of the relevant planning considerations, and a recommendation which supports the issue of a planning permit.

SUSPENSION OF STANDING ORDERS

Moved: Cr Nathan Hansford

Seconded: Cr Des Phelan

A motion was moved that Council suspend standing orders.

CARRIED

John Halabarec (applicant) addressed the Council

RESUMPTION OF STANDING ORDERS

Moved: Cr Nathan Hansford

Seconded: Cr Joanne Gilbert

A motion was moved that Council resume standing orders.

CARRIED

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Helena Kirby

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of the land at 38 Eagle Court, Teesdale, for a three lot subdivision with the proposed conditions listed in this report.

CARRIED

6.4 DEVELOPMENT PLAN DP-046 - 2725 MIDLAND HIGHWAY, LETHBRIDGE**EXECUTIVE SUMMARY**

Council has received an application for the approval of a Development Plan for a two (2) lot subdivision under the Development Plan Overlay Schedule 12 (DPO12) to the Golden Plains Planning Scheme. The Development Plan has been assessed against the requirements of the Golden Plains Planning Scheme and is considered to respond appropriately.

RESOLUTION

Moved: Cr Des Phelan

Seconded: Cr Nathan Hansford

That Council approves the Development Plan provided at Attachment 1 to this report, for 2725 Midland Highway, Lethbridge.

CARRIED

Cr Owen Sharkey declared a indirect conflict of interest in Item 6.5 Development Plan (DP012) 72 Woodman Road, Lethbridge under Section 78B of the Local Government Act 1989 - conflicting duty. The nature of the interest being Cr Owen Sharkey is the selling agent for the property.

Mayor Cr Owen Sharkey left the meeting at 7.05pm and Deputy Mayor Cr Joanne Gilbert assumed the chair.

6.5 DEVELOPMENT PLAN (DPO12) 72 WOODMAN ROAD, LETHBRIDGE**EXECUTIVE SUMMARY**

An application for the approval of a modified Development Plan for 72 and 80 Woodman Road, Lethbridge has been received. The application is proposed to supersede an existing development plan for the same land.

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Des Phelan

That Council approves the modified Development Plan for 72 and 80 Woodman Road, Lethbridge, as provided at Attachment 1 to this report.

CARRIED

Mayor Cr Owen Sharkey returned to the meeting at 7.12pm and reassumed the chair.

6.6 VICTORIAN ELECTORAL COMMISSION (VEC) - ELECTORAL REPRESENTATION REVIEW

EXECUTIVE SUMMARY

The Victorian Electoral Commission (VEC) is legislated to undertake electoral representation reviews once every 12 years. As the last review was undertaken in 2007, they are reviewing the current representation in advance of the upcoming 2020 Council elections. Council has the opportunity to make a submission on the number of Councillors that should be elected and if we should retain the existing unsubdivided arrangements or return to having wards.

RESOLUTION

Moved: Cr Helena Kirby

Seconded: Cr Des Phelan

That Council endorse a submission to the Victorian Electoral Commission in relation to the Electoral Representation Review for the Golden Plains Shire, requesting the return of a Ward based structure, with a preference for 3 Wards; North, Central and South having 2, 1 and 4 Councillors respectively, as highlighted on the attached plan.

CARRIED

6.7 REVIEW OF LOCAL LAW NO. 1 - COUNCIL MEETING PROCEDURES & COMMON SEAL

EXECUTIVE SUMMARY

Council's current Local Law No. 1 of 2009 – Processes of Municipal Government will sunset on 28 May 2019.

A review has been undertaken and the draft Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal (local law) is attached along with the accompanying Local Law Community Impact Statement and draft revised Council Policy 4.4 – Public Participation in Council Meetings (Question Time, Presentations & Submissions, Petitions & Joint Letters) (policy).

Under the Local Government Act 1989 (the Act) section 119, Council is required to give public notice of its intention to make a local law and invite all persons affected by the local law to make a submission under section 223 of the Act. Any public submissions received will then be considered by Council for inclusion, after which time the local law can be adopted by Council.

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Joanne Gilbert

That Council:

1. Endorse the draft Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal (draft local law) (Attachment 1) and Local Law Community Impact Statement (Attachment 3).
2. Endorse the draft revised Council Policy 4.4 – Public Participation in Council Meetings (Question Time, Presentations & Submissions, Petitions & Joint Letters) (draft policy) (Attachment 2).
3. Place the draft local law on public exhibition in accordance with sections 119 and 223 of the Local Government Act 1989.
4. Additionally provide a copy the draft policy as part of the public exhibition process.

CARRIED

6.8 SCARSDALE MEN'S SHED - LETTER OF SUPPORT

EXECUTIVE SUMMARY

The Scarsdale Community Men's Shed Inc. currently meets at the Scarsdale Hall and has been searching for a location to establish a permanent Men's Shed. The unused Newtown Cricket Pavilion adjacent to the Newtown Cricket and Mustering Reserve has been identified as a potential site to accommodate the Men's Shed.

The pavilion is located on a road reserve with decommissioned toilet facilities located in close proximity on the Newtown Reserve which is Crown Land managed by the Ballarat Environment Network (BEN).

Scarsdale Men's Shed Inc. is seeking Council support to apply for funding through DHHS in 2019/20 to upgrade the old unused Newtown Cricket Pavilion (a class 9b building) and convert it into a Men's Shed.

It is recommended that Council provide support for this project, noting that the Men's Shed will need to obtain the necessary statutory approvals, receive consent from the Crown to access the toilets on the public land, and secure external grant funding before any works can commence.

RESOLUTION

Moved: Cr Des Phelan

Seconded: Cr Joanne Gilbert

That Council provide a letter of in principle support to the Scarsdale Community Men's Shed Inc to apply for a Department of Health and Human Services (DHHS) grant to convert the currently unused Newtown Cricket Pavilion into a Men's Shed.

CARRIED

6.9 ELDER PARK MANAGEMENT - EOI FOR MANAGEMENT

EXECUTIVE SUMMARY

The Rokewood/Corindhap Football Netball Club has written to Council requesting that the club be appointed to manage Elder Park, Rokewood (letter attached). The club wishes to crop and graze sheep to generate fundraising income to support club operations and to assist with the maintenance of the site, including fire prevention.

MOTION

Moved: Cr Helena Kirby

Seconded: Cr Des Phelan

That Council endorse the Elder Park committee of management be reinstated so that the community is in charge and has access to the grounds and facilities at all times.

WITHDRAWN

The Motion was subsequently withdrawn by the Mover and Seconder

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Joanne Gilbert

That Council seek Expressions of Interest for any community group to manage Elder Park, Rokewood.

CARRIED

6.10 BRIDGES RENEWAL PROGRAM - FEDERAL DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT

EXECUTIVE SUMMARY

Council has received advice from the Federal Government that applications may now be submitted under Round Four of the Bridges Renewal Program.

The 2018/19 Capital Works Program includes \$1,600,000 for the replacement of Coopers Bridge (the bridge over the Moorabool River on Meredith-Steiglitz Road). The budgeted income of \$800,000 (*ie*, 50%) from the Federal Government's program was based on the funding criteria which applied to the first three [3] rounds of the program.

Under the guidelines for Round Four, the only project type allowed is replacement of a timber bridge with a concrete bridge. Consequently, an application for funding for replacement of Cooper's Bridge cannot be submitted under the program because Cooper's Bridge is constructed of a concrete deck with cast in-situ concrete T-beams and piers reinforced with mining cable.

RESOLUTION

Moved: Cr Des Phelan

Seconded: Cr Joanne Gilbert

That Council:

1. Submit applications for funding under Round Four of the Federal Government's Bridges Renewal Program (BRP) for Wall Bridge, Teesdale and Golden Lake Road Bridge, Piggoreet in accordance with the funding cost estimates and apportionments provided in the officer's report.
2. Refer for consideration the allocation of \$1,103,344 for the replacement of Coopers Bridge, a project with a total estimated cost of \$1,600,000, to the 2019/20 budget process.
3. Adjust the forecasted 2019/20 Capital Works Program to re-allocate funding from the Somerset Estate Contribution (SE), Coopers Bridge and the Natural Disaster Claim Refund (NDF) in accordance with – and as outlined in – the officer's report.

CARRIED

6.11 QUARTERLY FINANCE REPORT - END 31 DEC 18**EXECUTIVE SUMMARY**

The purpose of this report is to present the quarterly budget report for the Committee's review and consideration prior to it being presented to Council in accordance with the *Local Government Act 1989*; and update the Committee on any current or emerging issues that may have an impact on Council's financial position or sustainability.

As at 31 December 2018, the Income Statement shows total operating revenue of \$31.11m and total operating expenditure of \$19.91m, which results in a year to date surplus of \$11.20m.

The Capital Works Statement shows total capital works expenditure of \$5.71m, which is \$234k below the December YTD adopted budget, with 28% of the forecast capital works program completed at 31 December 2018.

RESOLUTION

Moved: Cr Joanne Gilbert

Seconded: Cr Des Phelan

That Council receive and note the Quarterly Financial Report for the 6 Months ended 31 December 2018.

CARRIED

6.12 GPSC-RFT-021/2018 TENDER FOR CONSTRUCTION OF GOLDEN PLAINS COMMUNITY AND CIVIC CENTRE

EXECUTIVE SUMMARY

Council has included \$10,000,000 in the adopted Strategic Resource Plan (SRP) and current/future budget 2018/20 to meet the costs associated with the construction of the Golden Plains Community & Civic Centre (GPCCC). These works/tasks include:

- Engaging and consulting with the community in developing detailed concept plans for the redevelopment and extension of the existing Bannockburn Customer Service Centre into the GPCCC,
- Reviewing and making decisions about the future growth provided for by the facility,
- Preparing detailed architectural drawings and specification based on the concept plans taking into consideration community and staff feedback and tendering said design, and
- Construction of the GPCCC over three stages; New build, refurbishment and ancillary landscaping, parking and pathway access.

Expressions of Interest (EOI) were invited for the construction of the GPCCC on 13 October 2018 and closed on 31 October 2018. . In total fourteen (14) EOI's were received. The EOI's were checked for correctness and for omissions/qualifications. Any EOI's not meeting the mandatory criteria were excluded from further review. The EOI Evaluation Panel conducted a thorough evaluation of all conforming submissions.

Following this EOI process five (5) shortlisted companies were invited to tender for the construction of the GPCCC on 2 December 2018 and closed on 21 December 2018. A compulsory tender briefing session was held on the 5 December 2018 at the Shire office. All five shortlisted companies submitted tenders by the due date. The Tenders were checked for correctness and for omissions/qualifications. Any Tenders not meeting the mandatory criteria were excluded from further review. The Tender Evaluation Panel (TEP) conducted a thorough evaluation of all conforming submissions. Interviews were conducted with the two highest scoring Tenders and included the TEP and representatives from Baumgart Clark Architects and Prouse Quantity Surveyors.

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Des Phelan

That Council:

1. Resolves to award the contract GPS-RFT-21-2018, Construction of Golden Plains Community & Civic Centre (GPCCC), to S.J. Weir Pty Ltd for the tendered sum of \$7,249,790.00 (ex GST) in line with Clause 2.4.3 of the procurement policy.
2. Authorise the Chief Executive Officer to execute Contract No. GPS-RFT-21-2018 with S.J. Weir Pty. Ltd. for the construction of the Golden Plains Community & Civic Centre (GPCCC).
3. Notes that the GPCCC Project will be financed from the Local Government Funding Vehicle borrowings.

CARRIED

6.13 GPS-RFT- 22/2018 - TENDER FOR CONSTRUCTION OF BANNOCKBURN HEART PROJECT (STAGE 1)

EXECUTIVE SUMMARY

Council approval is required for the awarding of a tender for an experienced contractor to undertake the construction of the Bannockburn Heart (Stage 1), Bannockburn. Key elements of the precinct are as follows:

- Adventure dry playground including a 'Giant Tree House', a 'birds nest' swing, two flying foxes (one being DDA compliant); a global motion orbital freestanding climber (DDA compliant); and other toddler, pre-school and youth play space elements
- Interactive wet play splash pad space with shelters including toddler, pre-school and youth play space elements (includes all required mechanical, electrical, pumping and treatment plant and equipment)
- Active recreation 'ninja' style fitness circuit
- Variety of passive and interactive surfaces including: natural and artificial turf areas for informal and passive uses; coloured concrete paved areas; sand, soft-fall mulch and rubber soft-fall areas; and concrete and 'dry creek' pathways
- Enhancement of farmer's market access and aesthetics
- Improved lighting, safety and accessibility
- Public toilet
- BBQ area and shelter and rest areas
- Street furniture including: in-situ seating walls; proprietary seating units; rubbish bins; bollards; and a drinking fountain.
- Mass planting including shade and feature trees; and garden beds

RESOLUTION

Moved: Cr Joanne Gilbert

Seconded: Cr Nathan Hansford

That Council:

1. Resolves to award the contract GPS-RFT-22-2018, Construction of the Bannockburn Heart (Stage 1), to Rendine Constructions Pty Ltd for the tendered sum of \$2,359,063.99 (ex GST) in line with Clause 2.4.3 of the procurement policy.
2. Authorise the Chief Executive Officer to execute Contract No. GPS-RFT-22-2018 with Rendine Constructions Pty Ltd for the construction of the Bannockburn Heart Project
3. Adjust the forecasted 2018/19 Capital Works program to re-allocate funding from the Teesdale Turtle Toilets (\$200,000) to the Bannockburn Heart as the Teesdale project is now being fully funded in 2019/20 by the income received from external funding.
4. Refer for consideration the allocation of \$150,000 for the Bannockburn Heart to the draft 2019/20 budget process.

CARRIED

6.14 PROVISION OF WASTE AND RECYCLING COLLECTION SERVICES - CONTRACT WITH CLEANAWAY - GPS-T6/2014

EXECUTIVE SUMMARY

The purpose of this report is to seek Council authorisation for Contract GPS-T6/2014 – Provision of Waste and Recycling Collection Services (the Contract), which is provided by Transpacific Cleanaway Pty Ltd, to be extended for a further two [2] years beyond the initial five [5] year term of the Contract.

RESOLUTION

Moved: Cr Nathan Hansford

Seconded: Cr Helena Kirby

That Council:

1. Pursuant to Clause 5.2 of Contract GPS-T6/2014, resolves to extend Contract GPS-T6/2014 – Provision of Waste and Recycling Collection Services Contract with Transpacific Cleanaway Pty Ltd, for a further two [2] year period commencing on 6 July 2020 and terminating on 5 July 2022, and on the same terms and conditions as the initial Contract Term.
2. Delegates to the Chief Executive Officer or his delegate the authority to sign the letter of extension of Contract GPS-T6/2014 – Provision of Waste and Recycling Collection Services.

CARRIED

6.15 COUNCILLOR EXPENSES REPORT - 6 MONTHS ENDED 31 DECEMBER 2018

EXECUTIVE SUMMARY

The attached report outlines Councillor allowances and expenses that have been paid during the first two quarters of the 2018-19 financial year from 1 July 2018 - 31 December 2018.

In order to ensure the highest levels of transparency and accountability, Council make Councillor allowances and expenses available to the public through a quarterly statement reported at Council meetings.

RESOLUTION

Moved: Cr Des Phelan

Seconded: Cr Nathan Hansford

That Council note the contents of the Councillor Expenses Report for first two quarters of the 2018-19 financial year from 1 July 2018 - 31 December 2018.

CARRIED

6.16 ASSEMBLY OF COUNCILLORS**EXECUTIVE SUMMARY**

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 30 January 2019 to 25 February 2019.

RESOLUTION

Moved: Cr Joanne Gilbert

Seconded: Cr Les Rowe

That Council notes the Assembly of Councillors Record from 30 January 2019 to 25 February 2019 as attached.

CARRIED

URGENT BUSINESS

Mayor Cr Owen Sharkey admitted one item of urgent business to the agenda, Item 6.17 Inverleigh Streetscape Draft Masterplan, in accordance with section 88 of Local Law No. 1 of 2009 Processes of Municipal Government.

6.17 INVERLEIGH STREETScape DRAFT MASTERPLAN**RESOLUTION**

Moved: Cr Des Phelan

Seconded: Cr Nathan Hansford

That Council abandon the concept plan option for a one way service road within the Inverleigh Streetscape Masterplan and continue to work with the community on refining the option that retains two way traffic.

CARRIED

7 NOTICES OF MOTION

Nil

8 PETITIONS

Nil

9 CONFIDENTIAL ITEMS

RESOLUTION

Moved: Cr Nathan Hansford
Seconded: Cr Les Rowe

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 89(2) of the Local Government Act 1989:

9.1 Chief Executive Officer Performance Review

This matter is considered to be confidential under Section 89(2) - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contractual matters.

CARRIED

RESOLUTION

Moved: Cr Des Phelan
Seconded: Cr Les Rowe

That Council moves out of Closed Council into Open Council.

CARRIED

The Meeting closed at 9.08pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 March 2019.

.....
MAYOR CR OWEN SHARKEY