

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
19 May 2020**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 19 MAY 2020 AT 5.00PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Scott Walters (Manager Information Technology Services), Charlene Reeves (Project Support Officer) and Kate Allder-Conn (Governance Officer).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS AND QUESTION TIME**

Nil

## **4 APOLOGIES**

Nil

## **5 MAYORAL MINUTES**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 21 APRIL 2020****RESOLUTION 190520/1**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the Ordinary meeting held on 21 April 2020.

**CARRIED**

**6.2 INTERNAL & AUDIT RISK COMMITTEE MINUTES 5 MAY 2020****RESOLUTION 190520/2**

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council receives and notes the Minutes of the Internal Audit and Risk Committee Meeting held 5 May 2020.

(Cr Mustow noted Cr Morrissey submitted an apology, however his apology was not noted in the minutes).

**CARRIED**

**7 MATTERS ARISING OUT OF THE MINUTES****5.2 Mayoral Minute – Country Mayors’ Association**

Cr Mustow referred to a question asked by Cr Simpson at the 21 April Ordinary meeting, “why hasn’t Council been a member previously?” and responded that Council has held membership before, however the previous Mayor withdrew membership in 2013. Council have now applied to regain membership.

**8 DECLARATION OF INTERESTS**

Nil

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYOR ATTENDANCES 14 APRIL - 11 MAY 2020****RESOLUTION 190520/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 14 April – 11 May 2020.

**CARRIED**

**12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO MAY 2020 ORDINARY MEETING****RESOLUTION 190520/4**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of May 2020.

**CARRIED**

**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 190520/5**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That items 14.2, 15.1, 17.1 and 17.2 be determined without debate.

**CARRIED**

## 14 GENERAL MANAGER'S REPORTS

### 14.1 DRAFT REVISED DELIVERY PROGRAM 2017/2021, DRAFT OPERATIONAL PLAN 2020/2021 (INCLUDING DRAFT FINANCIAL ESTIMATES 2020/2024) AND DRAFT REVENUE POLICY 2020/2021

#### EXECUTIVE SUMMARY

The following documents have been compiled by staff in consultation with Councillors:

1. Draft Revised Delivery Program 2017/2021,
2. Draft Operational Plan 2020/2021 (including Draft Financial Estimates for the period 2020/2024),
3. Draft Revenue Policy 2020/2021 (including Draft Quarry Product Prices), and
4. Draft Long Term Financial Plan 2020/2030

As detailed in the circulated documents, the draft budget projects an unrestricted cash surplus of \$290,384 in 2020/2021. The remaining three years of the forward estimates, however, project unrestricted cash deficits due to an increase in the Emergency Services Levy. This levy has increased by \$451,665 (39.19%) for 2020/2021, with one-off funding relief being provided through the Office of Local Government's COVID-19 economic stimulus package. A further increase of approximately 27% is estimated for the 2021/2022 year and has been factored in to the forward estimates. The impact on Council's financial performance is a major concern. Further details are provided in the report.

On a positive note, the draft budget includes a capital works program of \$31,883,597 for 2020/2021 including a number of key projects. This is despite Council having recently faced a number of natural disasters as well as the Coronavirus (COVID-19) pandemic. Council is delivering on its capital works program and continuing to rebuild the bushfire, drought and flood affected areas of the Richmond Valley.

A copy of the Draft Revised Delivery Program 2017/2021, Draft Operational Plan 2020/2021 (including Draft Financial Estimates 2020/2024), Draft Revenue Policy 2020/2021 (including Draft Quarry Product Prices) and Draft Long Term Financial Plan 2020/2030 have been circulated separately to Councillors.

#### RESOLUTION 190520/6

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That:

1. The Draft Revised Delivery Program 2017/2021, Draft Operational Plan 2020/2021 (including Draft Financial Estimates 2020/2024), Draft Revenue Policy 2020/2021 (including Draft Quarry Product Prices) and Draft Long Term Financial Plan 2020/2030 be placed on public exhibition for a period of at least 28 days.
2. The draft documents be brought back to Council to consider any submissions received for final adoption at the Ordinary Meeting of Council on 23 June 2020.
3. Council writes to the Local Member Chris Gulaptis MP, the Minister for Local Government, the Minister for Emergency Services and, Local Government NSW expressing its concern in regard to the impact on Council's financial performance due to ongoing increases in the Emergency Services Levy.

**CARRIED**

## 14.2 RESPONSE TO CORONAVIRUS (COVID-19) COMMUNITY AND ECONOMIC RESILIENCE PACKAGE UPDATE

### EXECUTIVE SUMMARY

At its Extraordinary Meeting on 7 April 2020 Council adopted a Community and Economic Resilience Package to help the Richmond Valley community deal with the impacts of Coronavirus (COVID-19). Council committed to monitoring the impacts on our community and to investigate further initiatives that may be of assistance to community members. This report discusses three possible assistance measures for local businesses and provides an update on the initiatives previously adopted as part of the Community and Economic Resilience Package.

### RESOLUTION 190520/7

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Notes the update on the Community and Economic Resilience Package initiatives.
2. Adopts the updated Financial Hardship Policy.

**CARRIED**

## 15 FINANCIAL REPORTS

### 15.1 FINANCIAL ANALYSIS REPORT - APRIL 2020

#### EXECUTIVE SUMMARY

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 30 April 2020 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$47,431,498	\$570,255	\$87,050	\$48,088,803

The weighted average rate of return on Council's investments for April 2020 was 5.77% which was above the 90 Day Bank Bill Index for April of 0.098%.

### RESOLUTION 190520/8

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopt the Financial Analysis Report detailing investment performance for the month of April 2020.

**CARRIED**



## **15.2 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 MARCH 2020**

### **EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2019/2020 budget for the quarter ended 31 March 2020. These adjustments exclude all previously adopted Monthly Budget Adjustments.

The proposed changes see Council's projected operating surplus from continuing operations for 2019/2020 improve from the revised budget surplus as at 28 February 2020 of \$3,101,640 to a surplus of \$4,051,377. The operating result before capital grants and contributions has improved to a projected loss of \$3,823,320. There has been a decrease in reserve funding of \$4,387,945, with a revised projected transfer to cash reserves of \$785,029. This is primarily due to the removal of \$4,650,123 in capital works projects.

Income from continuing operations has increased by \$3,285,755, with total income now projected to be \$72,384,663. This is largely due to Natural Disaster and Section 44 funding Council is expecting to receive as a result of the Busbys Flat Road and Myall Creek Rd Bushfire disasters, currently estimated to be \$1,957,558. Council was also successful with grant funding towards the Coraki Caravan Park Amenities of which \$150,000 is expected to be spent this financial year and \$77,700 in grant funded field works at Colley Park.

Expenses from continuing operations have increased by \$2,336,018 with total operating expenses now projected to be \$68,333,285. This increase is largely due to \$1,957,558 in Natural Disaster and Section 44 works from the Busbys Flat Rd and Myall Creek Bushfire Disasters as mentioned above.

Council's capital works program has been reviewed, resulting in a decrease of \$4,650,123 to a projected total of \$19,951,750. This is largely due to several projects being carried over into 2020/2021 or being transferred back to reserves as they are not required. The major reductions are in the areas of Real Estate Development (\$2,095,000), Sewerage Services (\$593,216) and Fleet Management (\$889,483).

A detailed Quarterly Budget Review Statement for the third quarter of the 2019/2020 year has been circulated separately to each Councillor. These changes are disclosed by Priority Areas on pages 2-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-16.

### **RESOLUTION 190520/9**

Moved: Cr Daniel Simpson

Seconded: Cr Sandra Humphrys

That Council adopt the Quarterly Budget Review Statement as at 31 March 2020 and approve the recommended variations.

**CARRIED**

## 16 TENDER REPORTS

### 16.1 REGPRO022021 - BULK WATER TREATMENT CHEMICALS

#### EXECUTIVE SUMMARY

Richmond Valley Council is a member of Regional Procurement's Richmond Tweed Clarence (RTC) Group. Regional Procurement® runs tenders for regional Local Government member groups to aggregate the combined local tenders in order to attract greater supplier competition and lower pricing for member Councils.

Regional Procurement has called for a single source by council tender for the participating RTC member councils for the supply and delivery of bulk water treatment chemicals. Tenders closed at 10.00am on 24 March 2020.

The following councils participated in this tender.

- Coffs Harbour City Council
- Clarence Valley Council
- Gunnedah Shire Council
- Kempsey Shire Council
- Liverpool Plains Shire Council
- MidCoast Council
- Nambucca Valley Council
- Queanbeyan-Palerang Regional Council
- Richmond Valley Council
- Walcha Council
- Wingecarribee Shire Council

#### RESOLUTION 190520/10

Moved: Cr Daniel Simpson

Seconded: Cr Sam Cornish

That:

1. Council authorise the General Manager to select a supplier(s) for each schedule of the chemicals used that provides the best value for Council for the period 1 July 2020 to 30 June 2023.
2. A provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2024.
3. The Common Seal of Council be affixed to any documentation where required.

**CARRIED**

## 17 GENERAL BUSINESS

### 17.1 RICHMOND VALLEY COUNCIL LOCAL STRATEGIC PLANNING STATEMENT 2020

#### EXECUTIVE SUMMARY

Section 3.9 of the EP&A Act requires Council to have a Local Strategic Planning Statement (LSPS) and have its first endorsed by Department of Planning, Industry and Environment—Planning (DPIE) and published on the NSW Planning Portal by 1 July 2020.

The purpose for the LSPS is to outline Council's 20-year vision for land use planning in its area.

The *Draft Richmond Valley Council Local Strategic Planning Statement-2020 Vision* (Feb 2020) was publicly exhibited for a period of 33 days, with 11 written submission being received. A number of changes to the LSPS has been made and the final LSPS is presented for adoption by Council.

#### RESOLUTION 190520/11

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Receive and note the Richmond Valley Council Local Strategic Planning Statement 2020 report.
2. Adopt the *Richmond Valley Council Local Strategic Planning Statement 2020* (May 2020).
3. Arrange for the *Richmond Valley Council Local Strategic Planning Statement 2020* (May 2020) to be published on the NSW Planning Portal prior to 1 July 2020.

**CARRIED**

### 17.2 COMMUNITY PARTICIPATION PLAN - PROPOSED AMENDMENTS

#### EXECUTIVE SUMMARY

A review of the Community Participation Plan (CPP) to address several issues raised with its operation has been completed. This report also outlines recent changes to the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) and the removal of newspaper advertising for a wide range of development application and strategic planning matters.

The report proposes that a Draft CPP Amendment should be prepared to:

1. Remove newspaper advertising requirements, in lieu of online notices, so the CPP is consistent with recent amendments to the EP&A Reg; and
2. The insertion of Manager discretion to waive community engagement for minor development matters.

#### RESOLUTION 190520/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. The Community Participation Plan – Proposed Amendments report be received and noted;
2. Council staff prepare a Draft Richmond Valley Council Community Participation Plan

Amendment to:

- (a) Remove newspaper advertising requirements, to be replaced by online notices; and
  - (b) The insertion of Manager discretion to waive community engagement for minor development matters.
3. The Draft Richmond Valley Council Community Participation Plan Amendment be publicly exhibited for a minimum submission period of 28 days; and
  4. The matter be reported to Council for a determination following cessation of the exhibition period.

**CARRIED**

## **18 MATTERS FOR INFORMATION**

### **RESOLUTION 190520/13**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

Recommended that the following reports submitted for information be received and noted.

**CARRIED**

### **18.1 COMMUNITY FINANCIAL ASSISTANCE PROGRAM ROUND TWO 2019/2020**

#### **RESOLUTION 190520/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the allocation under the Community Financial Assistance Program 2019/2020 Round Two.

**CARRIED**

### **18.2 REVIEW OF INTERNAL REPORTING (PUBLIC INTEREST DISCLOSURES) POLICY**

#### **EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process, a review has been undertaken of Council's Internal Reporting Policy. The policy has been updated and renamed as the Internal Reporting (Public Interest Disclosures) Policy.

#### **RESOLUTION 190520/15**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Internal Reporting (Public Interest Disclosures) Policy.

**CARRIED**

**18.3 ROYAL COMMISSION INTO NATIONAL NATURAL DISASTER ARRANGEMENTS****RESOLUTION 190520/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the submission to the Royal Commission into Natural Disaster Arrangements.

**CARRIED**

**18.4 GRANT APPLICATION INFORMATION REPORT - APRIL 2020****RESOLUTION 190520/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Grant Application Information Report for the month of April 2020.

**CARRIED**

**18.5 REVIEW OF BUSINESS ETHICS POLICY****EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process, a review has been undertaken of Council's Business Ethics Policy. The policy has been reviewed and updated to incorporate more detailed information about fraud, corruption and avenues for third party reporting.

**RESOLUTION 190520/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Business Ethics Policy.

**CARRIED**

**18.6 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 APRIL TO 30 APRIL 2020****RESOLUTION 190520/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Development Application report for the period 1 April to 30 April 2020.

**CARRIED**

**18.7 SALE OF EVANS HEAD AERODROME****EXECUTIVE SUMMARY**

The sale of the Evans Head Aerodrome has been an ongoing matter for Council since 2012. In May 2018, Council entered into a contract for the sale of the Aerodrome to Evans Head Airpark Pty Ltd. After a number of delays the contract was eventually settled on 1 May 2020.

**RESOLUTION 190520/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Sale of Evans Head Aerodrome report.

**CARRIED**

**18.8 CORRESPONDENCE SUBMITTED TO MAY 2020 ORDINARY MEETING****RESOLUTION 190520/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the correspondence submitted to the May 2020 Ordinary Meeting.

1. Letter to LGNSW providing support for LGNSW Economic Stimulus to Support COVID-19 Recovery and advice of submissions made to both NSW State and Federal politicians expressing Council's need for and support of the urgent financial assistance measures as proposed within the LGNSW campaign.
2. Email response from Sue Sackar on behalf of LGNSW President, Cr Linda Scott thanking council for its submission calling on the State NSW and Federal Government to provide financial support to local government during the COVID-19 pandemic.

**CARRIED**

**18.9 RECOVERY AND PROJECT MANAGEMENT UPDATE****EXECUTIVE SUMMARY**

This report contains an update on the projects being delivered by the Project Management Office and the Recovery office including the Bushfire and Drought funding projects.

The restrictions under the COVID-19 Public Health Orders have provided a number of operational challenges for the delivery of these projects including in some cases, adjustment of project components.

Project Management Office and Recovery staff are working flexibly to continue delivery where possible and to make necessary changes as required to ensure momentum is maintained and delivery continues.

**RESOLUTION 190520/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council note and adopt the minor adjustments to funding allocations and the update to the Bushfire, Drought and Signature and other projects outlined in this report.

**CARRIED**

## **19 QUESTIONS ON NOTICE**

Nil

## **20 QUESTIONS FOR NEXT MEETING (IN WRITING)**

Nil

## **21 MATTERS REFERRED TO CLOSED COUNCIL**

### **21.1 Write off excess water charge**

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

This matter is classified confidential due to its content containing personnel issues.

It is not appropriate for personnel issues to be discussed in public. As part of Council process, the outcome of consideration of the matter will be disclosed to the public.

The General Manager reported that no written representations had been received in respect to the item listed for consideration in Closed Council.

The Chair called for verbal representations from the gallery.

There were no representations from the gallery.

The Chair advised under section 10A of the Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

## **RESOLUTION 190520/23**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 21.1, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

**CARRIED**

Council closed its meeting at 5.49pm. The public left the Chamber.

The Open Council meeting resumed at 5.52pm.

## **22 RESOLUTIONS OF CLOSED COUNCIL**

The following resolution of Council, passed while the meeting was closed to the public, were read to the Open Council Meeting by the General Manager.

That Council write off the excess water charge as set out in the report.

The Meeting closed at 5.53pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 June 2020.

.....  
**CHAIRPERSON**