



MINUTES

**Ordinary Council Meeting
Tuesday, 17 December 2024**

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Nil

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Nil

**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 17 DECEMBER 2024 AT 4PM**

1 OPENING OF MEETING

Mayor Zaffina opened the meeting at 4pm.

2 PRAYER & ACKNOWLEDGMENT OF COUNTRY

Prayer

Almighty and Eternal God, give us the grace to faithfully fulfil the duties of our office.

Shed the light of your wisdom and counsel upon us so that, strengthened by these gifts, we will, in the administration of the affairs of the council, always do what is right and just.

We ask that our deliberations will be both fruitful and wise.

AMEN

Acknowledgement of Country

We pay our respect to the Traditional Custodians of the Lands where we hold this meeting to Elders past, present and emerging.

PRESENT:

Cr Louie Zaffina (Mayor), Cr Dwaine Scott (Deputy Mayor), Cr Iain Lindsay-Field, Cr Alison Linnett, Cr Tracy O'Halloran, Cr Phillip Pippin and Cr German Ugarte.

Cr Byron requested in writing that he attend the meeting via zoom.

IN ATTENDANCE:

Glenn Carroll (Acting General Manager), Vince Scoleri (Director of Infrastructure and Planning Services), Carol Holmes (Senior Executive Officer)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26 NOVEMBER 2024

RESOLUTION 2024/276

Moved: Cr Dwaine Scott

Seconded: Cr Iain Lindsay-Field

That the Minutes of the Ordinary Council Meeting held on Tuesday, 26 November 2024 be received and noted.

CARRIED

5 DISCLOSURE OF INTEREST

Nil

6 MAYORAL/COUNCILLOR REPORT

6.1 MAYORAL MINUTE - THE HON. SUSSAN LEY VISIT

RESOLUTION 2024/277

Moved: Cr Tracy O'Halloran

Seconded: Cr Phillip Pippin

That the report be received and noted.

CARRIED

6.2 MAYORAL MINUTE - INTERIM AND PERMANENT GENERAL MANAGER APPOINTMENTS

RESOLUTION 2024/278

Moved: Cr Iain Lindsay-Field

Seconded: Cr Tracy O'Halloran

That:

1. The Acting General Manager, Mr G Carroll be advised that his acting role will cease upon the commencement of the Interim General Manager. It is noticed that Mr Carroll will revert to his previous role as Director of Governance, Business and Community Services.
2. Mr Peter Bascomb be appointed as Interim General Manager of Balranald Shire with such appointment being in accordance with the Standard Contract of Employment for General Managers. The Total Remuneration Payment would be equivalent to that currently been paid to Council's General Manager. The Interim GM would have access to a council residence at nil cost a council vehicle and that leave entitlements would accrue in accordance with the Contract. This appointment will cease upon the permanent General Manager taking up duties.

3. The Acting General Manager be advised that no appointments, terminations or changes be made to the current staffing structure until the Interim General Manager has been appointed.
4. Mr Bascomb be requested to provide Council with a Report on the appropriateness of the existing organisation structure and staff capabilities, furthermore, Mr Bascomb in undertaking his role consult with the Mayor on any proposed changes to Council's staffing structure.
5. In respect of the appointment of a permanent General Manager the Mayor be delegated authority to put in place the necessary processes to commence the recruitment. This delegation is subject to compliance with all Council's Policies and the OLG Guidelines for the Appointment and Oversight of General Managers. The delegation would include approval of the appointment of an independent recruiting firm, position information packages and advertising programs and other administrative issues that may arise. It is noted that the Full Council would undertake interviews.

CARRIED

7 COMMITTEE REPORTS

7.1 EUSTON PROGRESSIVE ADVISORY COMMITTEE MEETING HELD ON MONDAY, 11 NOVEMBER 2024

RESOLUTION 2024/279

Moved: Cr German Ugarte
Seconded: Cr Iain Lindsay-Field

That:

1. **the Minutes of the Euston Progressive Advisory Committee meeting held on Monday 11 November 2024 be received and noted.**
2. **Council investigates the drainage on the corner of Murray Terrace and Nixon Street Euston.**

CARRIED

7.2 GROWING BUSINESS INDUSTRY & TOURISM ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 20 NOVEMBER 2024

RESOLUTION 2024/280

Moved: Cr Iain Lindsay-Field
Seconded: Cr Alison Linnett

- i. **That the Minutes of the Growing Business Industry & Tourism Advisory Committee (GBITAC) meeting held on Wednesday 20 November 2024 be received and noted.**
- ii. **That the GBITAC endorse the Economic Development Strategy.**
- iii. **That the GBITAC liaise with the strengthening Community Access, Inclusion & Well-being Advisory Committee to develop a reconciliation action plan proposal for Balranald Shire Council.**

CARRIED

7.3 AUSTRALIA DAY COMMITTEE MEETING HELD ON WEDNESDAY 11 DECEMBER 2024

RESOLUTION 2024/281

Moved: Cr Alison Linnett

Seconded: Cr Dwaine Scott

That:

- i. the Minutes of the Australia Day Committee meeting held on Wednesday 11 December 2024 be received and noted;
- ii. the selection panel consist of the whole Australia Day Committee; and
- iii. the Balranald Event be held at Greenham Park Hall Complex with a BBQ lunch followed by the formal ceremony and awards.

CARRIED

RESOLUTION 2024/282

Moved: Cr German Ugarte

Seconded: Cr Alison Linnett

That an Australia Day policy be developed.

CARRIED

GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)

PART A – ITEMS REQUIRING DECISION

8 GENERAL MANAGER'S REPORTS

8.1 PROFESSIONAL DEVELOPMENT - COUNCILLORS

RESOLUTION 2024/283

Moved: Cr Iain Lindsay-Field

Seconded: Cr Dwaine Scott

That

- i. Council receives and notes this report;
- ii. Council accepts Wentworth Shire Councils offer of the face-to-face workshop which will run for 6 hours onsite at a total cost to Council \$3625 (GST Inc)
- iii. Councillors wishing to attend the Councillor workshop advise Carol Holmes by Thursday 19 December 2024.

CARRIED

8.2 DATE AND TIME FOR 2025 ORDINARY COUNCIL MEETINGS**RESOLUTION 2024/284**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Alison Linnett

1. Pursuant to Section 365 of the *Local Government Act 1993* and Clause 3.2 of Councils Code of Meeting Practice, adopt the proposed 2025 Schedule of Ordinary Council Meetings contained in this report.
2. Pursuant to section 9 of the *Local Government Act 1993* and clause 3.4 of Council's Code of Meeting Practice, provide public notice of the time, date and place of each scheduled Ordinary Meeting as set out in the table included in this report.

CARRIED

8.3 PRESENTATIONS AND WORKSHOPS FOR ELECTED MEMBERS**RESOLUTION 2024/285**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Dwaine Scott

That the proposed dates for the presentations and workshops be confirmed.**CARRIED**

8.4 DRAFT DONATIONS, SUBSIDIES AND FINANCIAL ASSISTANCE POLICY**RESOLUTION 2024/286**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Alison Linnett

- i. That Council endorse the Draft Donations, Subsidies and Financial Assistance Policy to be publicly exhibited for a period of 28 days in order to seek public comment and for any significant public submissions to be reported back to the February 2025 Council Meeting, otherwise the policy will be deemed to be adopted immediately following the exhibition period; and
- ii. that the policy be amended to state that Council will consider applications from school children that make events at any time throughout the year.

CARRIED

8.5 AUSTRALIA DAY AWARDS

RESOLUTION 2024/287

Moved: Cr German Ugarte

Seconded: Cr Dwaine Scott

That:

- i. Council receive and note the report; and
- ii. all the Australia Day committee members be appointed to the selection panel to determine the recipients of the Australia Day Awards in each category for 2025.

CARRIED

8.6 DA 12/2025 - BOUNDARY SETBACK - VARIATION TO COUNCIL POLICY - 35 MURRAY TERRACE EUSTON

RESOLUTION 2024/288

Moved: Cr Iain Lindsay-Field

Seconded: Cr Phillip Pippin

That Council approve a building setback variation to Lot 4 Section 5 DP 758402, 35 Murray Terrace, Euston as per plans submitted to Council subject to the following conditions:

1. The development authorised by this consent must be carried out in accordance with the conditions of this consent and the listed approved documents:
 - (a) Site Plan
 - (b) Elevations
 - (c) Statement of Environmental Effects
2. No alteration to approved plans and specifications is allowed unless separately approved by Council.
3. Any variation to the proposed use as approved in this documentation requires the further consent of Council.
4. All building work shall be carried out in accordance with the provisions of the Local Government Act 1993, the National Construction Code 2022, relevant Australian Standards and the Environmental Planning & Assessment Act 1979, regardless of any omission in the documentation submitted for approval.
5. In accordance with the provisions of the Environmental Planning & Assessment Act 1979, construction works approved by this consent must not commence until:
 - (a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - (b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - (c) At least two days' notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the National Construction Code and the relevant Australian Standards.

6. In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate. Details demonstrating compliance are to be submitted to the Certifying Authority.
7. The applicant must ensure that a copy of the plans, specifications, Consultant Engineers Report and other documents approved by Council are available on the site during the 24 hours following any compulsory notification.
8. No building materials shall be stored on the road reserve. All deliveries are to be placed immediately behind the property boundary.
9. Suitable hoardings to ensure the protection of the public are to be erected prior to commencement of work and maintained during the timeframe of the works.
10. The applicant is responsible for the supply and maintenance of temporary toilet accommodation for use by persons working on the site.
11. A sign must be erected in a prominent position on the work site showing:
 - (a) The name, address and telephone number of the Principal Certifying Authority for the work.
 - (b) The name of the principal contractor and a telephone number on which that person may be contacted outside working hours.
 - (c) That unauthorised entry to the work site is prohibited.Any such sign must be maintained while the building work is being carried out, but must be removed when the work has been completed.
12. All works associated with the implementation / construction of the proposed activity (not operation of the proposal post construction), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:
 - Monday to Friday: 7am to 6pm
 - Saturdays: 8am to 1pm
 - Sundays and Public Holidays: no work permitted

The following activities may be carried out in association with construction outside of these hours:

- any works that do not cause noise emissions to be audible at any nearby residences not located on the premises;
- the delivery of materials as requested by Police or other authorities for safety reasons; and
- emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

Note: All noise generating activities are subject to the requirements of the Protection of the Environment Operations Act 1997. This condition of consent does not relieve the proponent including developers, contractors or their agents from the requirement under the relevant noise control legislation (POEO Act 1997)

13. No work is to be carried out which would cause nuisance by way of emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, grit, oil, waste-water, waste products or otherwise.

14. Any waste or excavated materials removed from the site is to be taken to an authorised site for disposal. No fill is to be deposited on other land without the prior consent of Council.
15. The applicant is responsible to ensure that the building is sited on the allotment as specified on the approved site plan.
16. The applicant is required to ensure that any easements registered over the title to the land are complied with.
17. All work must be carried out in accordance with the Development Approval and any connections required to any:
 - (a) public electricity supply,
 - (b) public water supply,
 - (c) public sewerage system,
 - (d) drainage system, or
 - (e) public telecommunications system,must be made in accordance with the requirements of the relevant authority.
18. No second-hand materials are to be used unless separately approved by Council and then made available for inspection prior to use.
19. Finished floor level is to be a minimum of 0.35 metres above street drainage level.
20. Roof water drainage is to be directed to the street drainage in urban areas.
21. All external metal cladding shall be of suitable colour and finish so as not to cause reflection or glare.
22. The building work shall be protected from Subterranean termite attack in accordance with AS 3660 Part 1 "Protection of Buildings from Subterranean Termites Part 1: New Buildings" and all required certificates shall be forwarded to Council immediately by the applicant.

Note: In cases where the building specification indicates the use of a hand sprayed chemical barrier against termites you are advised that the effective life of organophosphate products is 6-10 years which is less than the economic life of the building. The applicant is required to place in a prominent position (eg inside the meterbox) documentation indicating the chemical used, dosage, and date of treatment for future reference.
23. Smoke alarms complying with AS 3786 must be hard wired to the mains electricity supply and provided with a standby power supply and located in accordance with the National Construction Code 2022 Vol 2.
24. Any fuel combustion heater shall be installed in accordance with AS 2918-1990.
25. A road opening permit is to be obtained from Council prior to the commencement of any proposed works on the nature strip road reserve. The applicant is responsible for full cost of repairs to rectify any damage to kerb, guttering, footpath, bitumen seal or nature strip.
26. A site drainage diagram is to be provided to Council prior to an occupation certificate being issued. This diagram is to be to scale and include sub-floor or under slab drain layout, together with measurements for drains taken to permanent corners or lines.
27. The building shall NOT BE USED OR OCCUPIED until completed and an occupation certificate has been issued by the principal certifying authority or until approval has been granted by the principal certifying authority to occupy an incomplete building.
28. Any damage to Council's infrastructure or other services is the full responsibility of the proponent.

29. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- Not further harm the object
- Immediately cease all work at the particular location
- Secure the area so as to avoid further harm to the Aboriginal object
- Notify Heritage NSW as soon as practical on 131555, providing any details of the Aboriginal object and its location
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted

CARRIED

In accordance with Section 375A of the Local Government Act, 1993 the Mayor called for a division.

In Favour of the Motion:

Crs Louie Zaffina, Dwaine Scott, Leigh Byron, Iain Lindsay-Field, Alison Linnett, Tracy O'Halloran, Phillip Pippin and German Ugarte

Against the Motion:

Nil

CARRIED 8/0

**8.7 BALRANALD LOCAL ENVIRONMENTAL PLAN 2010 HOUSEKEEPING AMENDMENT
- POST EXHIBITION REPORT - PLANNING PROPOSAL PP-2023-2531**

RESOLUTION 2024/289

Moved: Cr Alison Linnett

Seconded: Cr Dwaine Scott

That Council:

1. Note the submissions to the public exhibition of Balranald Local Environmental Plan 2010 Housekeeping Amendment Planning Proposal.
2. Support the following adjustments to the Planning Proposal:
 - a. Item 9 Not proceed with heritage listing St Barnabas Church building (Balranald)
 - b. Item 13 Not proceed with heritage listing Bridge House Hotel
 - c. Item 29 Rename Item 29 to 'Yanga Woolshed Precinct'
 - d. Item 32 Not proceed with change to heritage listing for Lock 15
 - e. Item 39 Rename Item 39 to 'Mungo Woolshed Precinct'
 - f. Item 40 Not proceed with heritage listing St Barnabas Church building (Oxley)
3. Submit the results of the public exhibition and the amended Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for the purposes of finalising the Planning Proposal.
4. Requests the NSW Department of Planning, Housing and Infrastructure to finalise and make the Local Environmental Plan amendment as amended by this report.
5. Requests confirmation from the NSW Department of Planning, Housing and Infrastructure that the changes made to the planning proposal post-exhibition are of a minor nature and that re-exhibition is not required.
6. Delegate authority to the Acting General Manager to make any minor amendments to the Planning Proposal for finalisation purposes that do not alter the intent of the Planning Proposal.

CARRIED

In accordance with Section 375A of the Local Government Act, 1993 the Mayor called for a division.

In Favour for the Motion:

Crs Louie Zaffina, Dwaine Scott, Leigh Byron, Iain Lindsay-Field, Alison Linnett, Tracy O'Halloran, Phillip Pippin and German Ugarte

Against the Motion:

Nil

CARRIED 8/0

PART B – ITEMS FOR INFORMATION**9 GENERAL MANAGER'S REPORTS****9.1 BALRANALD SHIRE GENERAL PRACTICE (GP) SERVICES****RESOLUTION 2024/290**

Moved: Cr Tracy O'Halloran

Seconded: Cr Leigh Byron

That Council invite Dr Vitalis and his family to the February 2025 Council meeting for a formal welcome to the Balranald Shire and to have a meet and greet session with Councillors and staff.

CARRIED

9.2 REPORT ON FINANCIAL INFORMATION AS AT 30 NOVEMBER 2024**RESOLUTION 2024/291**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Dwaine Scott

- i. That Council receives and notes the financial information contained in this report for the period ending, 30 November 2024.**

CARRIED

9.3 BIDGEE HAVEN RETIREMENT HOSTEL FINANCIAL UPDATE**RESOLUTION 2024/292**

Moved: Cr Tracy O'Halloran

Seconded: Cr Iain Lindsay-Field

That the information be received and noted.

CARRIED

MOTION

Moved: Cr German Ugarte

Seconded: Cr Iain Lindsay-Field

That Council conduct a workshop in early 2025 to discuss the financial management of the Bidgee Haven Retirement Hostel.

AMENDMENT

RESOLUTION 2024/293

Moved: Cr Tracy O'Halloran

Seconded: Cr Iain Lindsay-Field

That Council conduct a workshop after the end of the financial year to discuss the financial management of the Bidgee Haven Retirement Hostel.

CARRIED**9.4 MONTHLY INVESTMENTS REPORT****RESOLUTION 2024/294**

Moved: Cr Alison Linnett

Seconded: Cr Dwaine Scott

That Council receives and notes the information provided in this report.

CARRIED

9.5 OLG PERFORMANCE INDICATORS**RESOLUTION 2024/295**

Moved: Cr Iain Lindsay-Field

Seconded: Cr German Ugarte

That Council note and reference the details of this report in relation to any matters associated with the recommendations of the OLG Performance Improvement Order (Mk II).

CARRIED

9.6 OUTSTANDING RATES AND USAGE CHARGES AS AT 30 NOVEMBER 2024**RESOLUTION 2024/296**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Tracy O'Halloran

That Council receives and notes the information contained within this report.

CARRIED

9.7 OUTSTANDING DEBTORS AS AT 30 NOVEMBER 2024**RESOLUTION 2024/297**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Dwaine Scott

That the report be received and noted.

CARRIED

9.8 LIBRARY REPORT JULY - DECEMBER 2024

RESOLUTION 2024/298

Moved: Cr Alison Linnett

Seconded: Cr Dwaine Scott

That the information contained in the report be noted.

CARRIED

9.9 BALRANALD SHIRE COUNCIL 2023/2024 ANNUAL REPORT

RESOLUTION 2024/299

Moved: Cr Iain Lindsay-Field

Seconded: Cr Alison Linnett

That Council receives and notes the Annual Report.

CARRIED

9.10 BALRANALD SHIRE COUNCIL 2020 - 2024 END OF TERM REPORT

RESOLUTION 2024/300

Moved: Cr German Ugarte

Seconded: Cr Tracy O'Halloran

That Council receives and notes the End of Term Report.

CARRIED

9.11 GRANT FUNDED PROJECTS STATUS UPDATE

RESOLUTION 2024/301

Moved: Cr Dwaine Scott

Seconded: Cr Iain Lindsay-Field

That the report be received and noted.

CARRIED

9.12 INFRASTRUCTURE UPDATE FOR NOVEMBER 2024

RESOLUTION 2024/302

Moved: Cr Alison Linnett

Seconded: Cr Dwaine Scott

That the report be received and noted.

CARRIED

9.13 ACTIVITIES UNDERTAKEN WITHIN THE PLANNING DEPARTMENT

RESOLUTION 2024/303

Moved: Cr Dwaine Scott

Seconded: Cr Alison Linnett

That the report be received and noted.

CARRIED

9.14 OUTSTANDING ACTIONS AS AT TUESDAY 10 NOVEMBER 2024

RESOLUTION 2024/304

Moved: Cr Iain Lindsay-Field

Seconded: Cr Dwaine Scott

That the information be received and noted.

CARRIED

9.15 CIRCULARS FROM THE OFFICE OF LOCAL GOVERNMENT

RESOLUTION 2024/305

Moved: Cr Dwaine Scott

Seconded: Cr Iain Lindsay-Field

That the report be received and noted.

CARRIED

9.16 MEETINGS ATTENDED BY THE MAYOR, THE ACTING GENERAL MANAGER AND DIRECTOR

RESOLUTION 2024/306

Moved: Cr Tracy O'Halloran

Seconded: Cr German Ugarte

That the information be received and noted.

CARRIED

10 NOTICE OF MOTION / QUESTIONS ON NOTICE

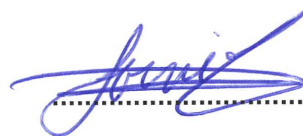
Nil

11 CONFIDENTIAL MATTERS

Nil

The Meeting closed at 5.20pm.

The minutes of this meeting were confirmed at the Council Meeting held on 18 February 2025.



MAYOR



INTERIM GENERAL MANAGER