



SPECIAL COUNCIL MEETING AGENDA 2019/SP7 Statutory Meeting Thursday 7 November 2019



COUNCIL CHAMBERS

Phil Cantillon Chief Executive Officer	Temporary Chair	Tim Frederico Director Corporate Development
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EA to Mayor & Councillor	Business Support Officer
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Cr. McCormack

Cr. O'Connor

Cr. Cunial

Cr. Hampton

Cr Bolam

Cr. Mayer

Cr. Aitken

Cr. O'Reilly

EMT

EMT

MEDIA

MEDIA

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call the Councillors Office on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise.

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

- (1) defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- (2) abusive or objectionable in language or nature;*
- (3) a direct negative of the question before the Chair;*
- (4) vague or unclear in intention;*
- (5) outside the powers of Council; or*
- (6) irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not,*

must not be accepted by the Chair.

88. Chair May Remove

- (1) *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause 0 must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

The Penalty for an offence under this clause is 2 penalty units which is \$200

Live Streaming of Council Meetings

Frankston City Council is now Live Streaming its Council Meetings.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email councillors.office@frankston.vic.gov.au to discuss alternative options prior to the meeting.

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au.

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to questions@frankston.vic.gov.au.

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to questions@frankston.vic.gov.au.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council’s Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as “Urgent Business”.

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

Opportunity to address Council

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

Agenda Themes

The Council Agenda is divided into four (4) themes which depict the Council Plan's Strategic Objectives, as follows:

1. A Planned City
2. A Liveable City
3. A Well Governed City
4. A Well Managed City

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that a Special Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 7 November 2019 at 7.00pm.

COUNCILLOR STATEMENT

All members of this Council pledge to the City of Frankston community to consider every item listed on this evening's agenda:

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate in the debate or vote on the issue.

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS

1. APOLOGIES

Nil

2. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

3. ITEMS BROUGHT FORWARD

4. CONSIDERATION OF REPORTS OF OFFICERS

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5. LATE REPORTS

Nil

6. URGENT BUSINESS

Phil Cantillon

CHIEF EXECUTIVE OFFICER

1/11/2019

Report for Information**4.1 Appointment of Temporary Chairperson for the Meeting**

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To appoint a temporary Chairperson for the meeting.

Recommendation (Chief Executive Office)

That Cr xx be the temporary Chairperson for the meeting.

The Chief Executive Officer to declare the Special Meeting open and invite nominations for the election of a temporary chairperson.

ATTACHMENTS

Nil

Report for Information**4.2 Election and Installation of Mayor for the Ensuing Year**

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To elect a Mayor for the 2019/2020 year.

Recommendation (Chief Executive Office)

That Cr xx be nominated for the Office of Mayor.

The Chairperson asks the nominee, "Do you accept the nomination?"

Cr. Xx (the Nominee) "I accept the nomination"

The Governance Local Law provides:**8. Election of the Mayor**

- (1) *A meeting to elect the Mayor must be held:*
 - (a) *as soon as practicable after the declaration of the results of a general election of Councillors;*
 - (b) *as soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; and*
 - (c) *as soon as practicable after the office of Mayor otherwise becomes vacant.*
- (2) *A temporary Chair must be elected to facilitate the election of the Mayor in accordance with the provisions of this Local Law and the Act.*

9. Method of voting

The election of the Mayor must be carried out by a show of hands.

10. Determining the election of the Mayor

- (1) *The temporary Chair must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.*
- (2) *Any nomination for the office of Mayor must be seconded.*
- (3) *Once nominations for the office of Mayor have been received and those nominated have accepted their nomination, the following provisions will govern the election of the Mayor:*
 - (a) *if there is only one nomination, the candidate nominated is deemed to be elected;*

4.2 Election and Installation of Mayor for the Ensuing Year**Report for Information**

- (b) *if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended;*
- (c) *in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;*
- (d) *in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;*
- (e) *if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;*
- (f) *in the event of two or more candidates having an equality of votes and one of them having to be declared:*
 - (i) *a defeated candidate; and*
 - (i) *duly elected the declaration will be determined by lot.*
- (g) *if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:*
 - (i) *each candidate will draw one lot;*
 - (ii) *the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and*
 - (iii) *as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).*

Note: The election should be confined to the acceptance of nominations and no discussion or debate should be permitted.

4.2 Election and Installation of Mayor for the Ensuing Year

Report for Information

- A. Former Mayor to assist the Mayor with Cloaking
- B. Councillors and Chief Executive Officer to be invited to congratulate the Mayor
- C. Mayor to respond and outline intentions for the Mayoral term.

ATTACHMENTS

Nil

Report for Information**4.3 Election of Deputy Mayor**

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To elect a Deputy Mayor for the 2019/2020 year.

Recommendation (Chief Executive Office)

That Cr xx be nominated for the Office of Deputy Mayor.

The Mayor asks the nominee, "Do you accept the nomination?"

Cr xx (the Nominee) "I accept the nomination"

The Governance Local Law provides:**11. Election of Deputy Mayor and Chairs**

- (1) *At a meeting to elect the Mayor, Council will, immediately after the election of the Mayor, elect a Deputy Mayor.*
- (2) *Any election for:*
 - (a) *the office of Deputy Mayor; or*
 - (b) *temporary Chair, in cases where a temporary Chair needs to be elected under clause 12 will be regulated by clauses 8-10 (inclusive) of this Local Law, as if, in the case of any election for Deputy Mayor, the reference to the:*
 - (c) *temporary Chair is a reference to the Mayor; and*
 - (d) *Mayor is a reference to the Deputy Mayor.*
- (3) *The role of the Deputy Mayor is to perform the duties ascribed to the Mayor where the Mayor is absent, unless the Deputy Mayor has a conflict or is unavailable.*

ATTACHMENTS

Nil

Report for Information**4.4 Recognition and Appreciation of services given to the Community by the Mayor for Mayoral Term**

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To recognise and appreciate the services given to the community by the Mayor.

Recommendation (Chief Executive Office)

That a letter under seal be presented to Cr Michael O'Reilly in recognition of his service to the Frankston Community during the previous term.

Cr O'Reilly to speak

ATTACHMENTS

Nil

Report for Information**4.5 Recognition and Appreciation of services given to the Community by the Deputy Mayor for Previous Term**

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To recognise and appreciate the services given to the community by the Deputy Mayor.

Recommendation (Chief Executive Office)

That a letter under seal be presented to Cr Colin Hampton in recognition of his service to the Frankston Community during the previous term.

Cr Colin Hampton to be provided with the opportunity to speak

ATTACHMENTS

Nil

Report for Information**4.6 Delegates to External/Internal Organisations**

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To appoint Councillors as delegate(s) to external and internal committees.

Recommendation (Chief Executive Office)

- A. That the following appointments to external organisations be made:
1. Cr XX and an officer be appointed as the delegates to the Association of Bayside Municipalities.
 2. The Mayor and Cr XX be appointed as the delegates to the Australian Local Government Women's Association.
 3. The Mayor and Cr XX be appointed as the delegates to the Frankston Charitable Fund Committee of Management.
 4. The Mayor be appointed as the delegate to the Frankston Revitalisation Board, as required.
 5. The Mayor be appointed as the delegate to the Municipal Association of Victoria and Cr XX be appointed as the substitute delegate.
 6. Cr XX and Cr XX be appointed as the delegates to the Metropolitan Waste Management Forum.
 7. Cr XX and Cr XX be nominated as Council's representatives at the National General Assembly 2020.
 8. The Mayor be nominated as Council's representative to the Peninsula Leisure Pty Ltd Board.
 9. The Mayor be appointed as the delegate to the South East Melbourne Group.
 10. Cr XX be appointed as the delegate to the Western Port Biosphere Reserve Foundation Ltd.
 11. Cr XX and Cr XX be appointed as the delegates to the Youth Advisory Council.
- B. That the following appointments to internal committees be made:
1. That Cr XX, Cr XX and Cr XX be appointed as the delegate to the Advocacy Sub-Committee.
 2. The Mayor and Cr XX be appointed as delegates to the Audit and Risk Committee and Cr XX be appointed as the substitute delegate.
 3. That Cr XX and Cr XX be appointed as the delegate to the Ballam Park Homestead Advisory Committee and Heritage and Assets Promotion Committee.

4.6 Delegates to External/Internal Organisations**Report for Information**

4. The Mayor, Deputy Mayor, Cr XX and Cr XX be appointed as the delegates to the Chief Executive Officer's Performance Review Committee.
 5. Cr XX and Cr XX be appointed as the delegates to the Community Grants Committee of Management.
 6. Cr XX and Cr XX be appointed as the delegates, and Cr XX as the substitute delegate to the Frankston Arts Centre Board of Management
 7. The Mayor, Cr XX and Cr XX be appointed as the delegates to the Frankston Cemetery Trust.
 8. The Mayor, Cr XX and Cr XX be appointed as the delegates to the Frankston City News Committee.
 9. Cr XX be appointed as the delegate to the Golf Liaison Committee.
 10. Cr XX be appointed as the delegate to the Major Community Events Grants.
 11. The Mayor and Cr XX be appointed as delegates to the Miscellaneous Grants Program Committee.
 12. Cr XX be appointed as the delegate to the Municipal Emergency Management Planning Committee.
 13. Cr XX be appointed as the delegate to the Soccer Liaison Committee.
- C. That as far as practicable and after negotiation with the Councillor or Councillors involved, the meeting times and dates for Committees, where a Councillor or Councillors are delegates, be arranged having regard to the availability of all participants including Councillor(s).

A. External Delegates

Council participates in a number of industry organisations servicing various Council interests and it is anticipated that Council would appoint a delegate to each of the following organisations.

B. Internal Committees

Councillors are members of the following Council convened committees.

ATTACHMENTS

Nil

Executive Summary

4.7 Adoption of Proposed Council Meeting Dates

Enquiries: (Chief Executive Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To adopt Council meeting dates for the coming 12 months.

Recommendation (Chief Executive Office)

That:

1. Council sets the following meeting dates for the coming 12 months:
 - A. Ordinary Meetings, to commence at 7.00pm:
 - Tuesday 28 January 2020
 - Monday 17 February 2020
 - Tuesday 10 March 2020
 - Monday 30 March 2020
 - Tuesday 20 April 2020
 - Monday 11 May 2020
 - Monday 1 June 2020
 - Monday 29 June 2020
 - Monday 20 July 2020
 - Monday 10 August 2020
 - Monday 31 August 2020
 - Monday 21 September 2020
 - Monday 23 November 2020
 - Monday 14 December 2020
 - B. Special Meetings, to commence at 7.00pm:
 - Statutory Meeting – Wednesday, 11 November 2020
2. Both planning and ordinary matters may continue to be presented for Council's consideration at the three-weekly ordinary meetings.
3. It is noted that additional special meetings may be called in accordance with the procedure set out in Council's Governance Local Law, where required.
4. The meeting dates set out in item 1 be advertised by way of public notice and on Council's website.

Key Points / Issues

- The current three weekly ordinary meeting cycle has been in operation since March 2014.

- The cycle was implemented to provide Councillors with the opportunity to give input and provide ideas for inclusion into reports that are listed for the forthcoming meeting.
- The cycle has provided Councillors with the opportunity to review and discuss reports and officer recommendations, in advance of the meeting, assisting Council in making well-informed decisions.
- The regular occurrence of Council meetings has also reduced the duration of meetings and the amount of items considered on each agenda, and has largely eliminated the need for late reports.
- It is proposed to continue with the three weekly ordinary meeting cycle, commencing from Tuesday 28 January 2020. Where there are public holidays, Council Meetings will be held on a Tuesday or moved out by a week i.e. due to Melbourne Cup.
- The Special (Statutory) Meeting to elect a new Mayor and Deputy Mayor is scheduled to be held on Wednesday, 11 November 2020.

Financial Impact

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

The costs to advertise the meeting dates can be accommodated within the existing budget.

Consultation

1. External Stakeholders

No external stakeholders have been consulted.

2. Other Stakeholders

The Chief Executive Officer has been consulted.

Analysis (Environmental / Economic / Social Implications)

A well-structured meeting schedule assists in the orderly administration of projects that require Council decisions. Setting the meeting schedule in advance and publishing its details demonstrates transparency in decision making and assists members of the public who wish to attend meetings.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report; it is considered that the report is consistent with the Charter.

Legal

Under section 89 of the *Local Government Act 1989*, Council has an obligation to consider general business at ordinary and special meetings which are open to the public. Council must provide the public with sufficient notice of meeting dates (at least seven days prior, where practicable). By Council resolution, meetings may be closed to the public to consider confidential matters which meet the criteria outlined in the Act.

Policy Impacts

There are no policies that impact the decision of this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

There are no identified risk issues for Council.

Conclusion

It is recommended that Council continues with the three weekly ordinary meeting cycle, for the consideration of both general and planning matters.

ATTACHMENTS

Nil