

**Shire of Moora
Ordinary Council Meeting
16th October 2013**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 16th October 2013**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**

AJ Leeson
Chief Executive Officer



9th October 2013

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
 declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
16 OCTOBER 2013
COMMENCING AT 5.30PM

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* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 30 September 2013*
- 9.2.1 *Plans*
- 9.2.2 *Plans*
- 9.2.3 *Site Plan*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**APOLOGIES**

SA Bryan - Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**4. PUBLIC QUESTION TIME****5. PETITIONS AND PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 18 SEPTEMBER 2013**

That the Minutes of the Ordinary Meeting of Council held on 18 September 2013 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 9 October 2013

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Dawn Ardley, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 61394 to 61439</i>	<i>\$49,430.53</i>
	<i>EFT 10431 to 10607</i>	<i>\$559,674.91</i>
	<i>Credit Card 20/08/13-19/09/13</i>	<i>\$5,693.44</i>
	<i>Net Pays – PPE 10/09/13</i>	<i>\$77,915.85</i>
	<i>Net Pays – PPE 24/09/13</i>	<i>\$79,074.76</i>
<i>Trust Fund</i>	<i>Cheques 4912 - 4921</i>	<i>\$1,488.45</i>
<i>Total</i>		<i><u>\$773,277.94</u></i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2013

REPORT DATE: 8 October 2013

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Leanne Parola, Manager Finance & Corporate Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2013

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 September 2013.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2013/14 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 September 2013.

9.2 HEALTH, BUILDING & PLANNING SERVICES

9.2.1 CBH STAFF ACCOMMODATION

FILE REFERENCE: TP/PA12/1314

REPORT DATE: 2 October 2013

APPLICANT/PROPONENT: CBH

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

CBH are seeking formal comment from the shire in seeking permission to construct staff accommodation on the East side of the railway line at Lot R26009, Assessment No A6301 Richardson Street Miling.

BACKGROUND:

The zoning of the land Lot R26009, Assessment No A6301 is industrial and as such does not permit any residential dwelling or short-stay accommodation. The Short Stay accommodation that is proposed is a new Class 1B dwelling unit and it is subject to the current Town Planning Scheme No 4 (Amendment 10) in that it is a Not Permitted Use.

Permission was given to CBH back in the early 70s when accommodation units were introduced to accommodate CBH part time and casual employees when working throughout the night to receive grain.

COMMENT:

However it is proposed to put a proposal up to Council to extend the earlier Non-Conforming Use provisions and subject to compliance with Building Code of Australia for a 1B short stay accommodation dwelling.

This is an unusual seasonal situation that occurs every year and is particular to the grain industry.

Council has two choices in that it can agree to CBH's proposal as it is an already accepted precedent that has been set previously at the grain receival site in Moora; or, it can disallow the development due to it being a Not Permitted use and require CBH to utilise the accommodation that is already provided in the Miling Town Site by the Miling Hotel.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (Amendment 10) Table 1 Zoning Table – Short Stay Accommodation is not a permitted use

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council grant an extension to the non-conforming use rights of CBH in the extension of staff accommodation at the CBH site in Miling, on the basis that the new accommodation unit is consistent with the previous non-conforming use “staff accommodation amenity building” and in the view of Council is consistent with the overall land use of the site and is not detrimental to the amenity of the locality or the adjacent residential area.

9.2.2 LOT 238 MCKINLEY ST MOORA –TIM & NICOLE BROAD

FILE REFERENCE: TP/PA11/1314

REPORT DATE: 2 October 2013

APPLICANT/PROPONENT: Tim & Nicole Broad

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

The proponents Tim and Nicole Broad seek Council permission to construct a 9.0mw x 12ml x 4.2mh steel framed and clad colour bond shed for storage purposes on their property located at Lot 238 McKinley Street Moora.

BACKGROUND:

Lot 238 McKinley Street is in the Rural Residential Zone of which the objectives are:

- (a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

Site Requirements:

The minimum building setbacks shall be:

Front: 15.0m

Rear: 15.0m

Side: 10.0m

Development Requirements

Development in a Rural Residential zone shall comply with the requirements of the following:

- (a) planning approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of clause 7.2.
- (b) not more than 1 dwelling shall be erected on a lot but the local government may, at its discretion, approve ancillary accommodation.
- (c) when the first application for planning approval is made for building on a lot under clause 3.13.4 (a) the applicant shall nominate for the local government's approval a building envelope of regular shape and not exceeding 4000 square metres in area and which complies with minimum building setbacks in clause 3.13.2. All building(s) including the building(s) subject of the first application shall be contained within the building envelope approved by the local government.

COMMENT:

The proponents Tim and Nicole Broad's development application proposal meets objectives of the Rural Residential Zone and the Shire Policy requirements for outbuildings.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 (amendment 10) Rural Residential Zone.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council approve the construction of a steel framed colour bond shed proposed by Tim and Nicole Broad for their property located at Lot 238 McKinley Street Moora subject to the following conditions:

- 1. This Town Planning Approval is not a Building approval and you will have to submit a building application once you receive a letter of approval from Council;*
- 2. The development shall be consistent or complimentary in colour with the existing building to the approval of the local government.*
- 3. The use of second hand materials is not permitted.*
- 4. All development shall be located within the building envelope as shown on the attached approved plan(s).*
- 5. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.*

9.2.3 MOTEL DEVELOPMENT – MR DUNN LOT 185 ROBERTS STREET

FILE REFERENCE: TP/PA/328
REPORT DATE: 10 October 2013
APPLICANT/PROPONENT: Mr Ted Dunn
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 23/11/11 (151/11) Town Planning Committee
2/11/11 (Item 5)
AUTHOR: Peter Williams, Manager Development Services
ATTACHMENTS: Site plan

PURPOSE OF REPORT:

To consider the extension of planning approval for the development of 10 motel type units and a caretakers dwelling on Lot 185 Roberts Street Moora.

BACKGROUND:

Mr Dunn made a presentation to the former Town Planning Committee on the 21st October 2011. The applicant Mr Dunn explained his wish to construct 11 motel units plus a caretaker's cottage and office on the site. In considering the application, committee members raised several questions and these were directed to Mr Dunn for further clarification.

The proposal is identified as having a "D" classification meaning "the use is not permitted unless local government has exercised its discretion by granting approval".

Short Stay Accommodation is an approved use in the Town Centre under the Shire Town Planning Scheme No 4 (Amendment 10).

Council approved the planning approval at its Ordinary meeting held on the 23rd November 2011 subject to conditions.

COMMENT:

Planning approvals are only current for a period of 2 years after to which they are required to be extended by the proponent if they wish to continue with the proposal.

Council have been given verbal advice from Mr Dunn that he wishes to extend the planning approval for the original motel development applied for in 2011. Mr Dunn will be required to comply with Lodging house requirements as required under Shire Health Local laws.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Proponent will be required to comply with the Lodging House requirements as required under Shire Health Local Laws.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no fees related with this proposal as it is an extension to the planning approval which is due to expire in November 2013.

VOTING REQUIREMENTS:

Simple Majority Required

MANEX RECOMMENDATION

That Council support a 12 month extension to the planning application submitted by Mr Ted Dunn to develop 10 motel type units and a caretakers dwelling on lot 185, Roberts Street, Moora subject to the following conditions being met :-

- a) *Full plans and specifications of building to be submitted and approved;*
- b) *Pathways to be constructed of concrete or paving bricks or a suitable material approved by Council;*
- c) *Parking area to be sealed, car bays marked, kerbed and drained to Councils satisfaction;*
- d) *A comprehensive garden plan to be submitted;*
- e) *External lighting to be erected / installed and to be approved by Council;*
- f) *The applicant to comply with all statutory authorities in regards to building compliance i.e. Fire & Emergency Authority (Hydrants) Western Power, Department of Water etc;*
- g) *Engineering advice to be obtained on the drainage and disposal of storm water off the site;*
- h) *Proponent is to make application for a Lodging House License.*

9.3 COMMUNITY & ECONOMIC DEVELOPMENT

Nil

9.4 ENGINEERING SERVICES

Nil

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING - 2 OCTOBER 2013

10.1 PROVISION OF CHILDCARE SERVICES - MOORA

FILE REFERENCE: CH/REO I
REPORT DATE: 27 September 2013
APPLICANTS/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 17/10/12 (121/12)
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to confirm the methodology of provision of childcare services in the Shire of Moora.

BACKGROUND:

Council over the past 12 months has been analysing the business case of providing child care services in Moora. The basis of analysis has primarily been assessing whether or not it is feasible to privatise the service. To that end expressions of interest were called for provision of childcare services. One submission was received from CSSU – Children's Services Support Unit.

Council has previously been circulated with the CSSU submission, but suffice to say the business case of CSSU was premised on an increase in the daily fee by approximately \$15, up to \$80 per day. Council discussed this at length and deemed the increase would not sustain the service, based on the likelihood that such an increase would turn parents away from the service, and as such the business model would be severely compromised. A likely scenario on that basis would be the service in all likelihood would end up back with Council, so there was deemed to be little to be achieved by privatising the service.

COMMENT:

Notwithstanding the above, Council through its management over the past three months or so have been in some close consultation with the families of the service and the committee. This culminated in a presentation to Council during the month of September, which was very professionally done and was received well by Council.

Management also instigated a community survey in relation to the service in order to gauge a perspective of how the service is valued by the business and general community alike. Suffice to say the outcome of the survey was a significant reinforcement of the case for Council to continue in providing childcare services, as was presented to Council at its recent meeting.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

Education and Care Services National Law (WA) Act 2012

Education and Care Services National Regulations 2012

STRATEGIC IMPLICATIONS:

Strategic Community Plan - Outcome 1.2: Health, education and family support services that are accessible and meet community needs, Strategy 1.2.3: Ensure the provision of childcare services.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are no known strategic implications with this proposal.

➤ **Economic**

The childcare service contributes significantly to the economic fabric of the district. This is evidenced through responses from business houses and community alike. The service enables local businesses to attract and retain appropriately skilled staff.

➤ **Social**

There are many benefits socially that come with the service, from a child development aspect as well as providing the necessary respite for families in situations whereby the service enables them to have their children cared for whilst they pursue their personal interests or tasks.

FINANCIAL IMPLICATIONS:

As previously circulated. The service in terms of operating loss has been bridged significantly in the past couple of years. It is intended to increase the daily fee from 1 January 2014, to \$70 per day. To offset this the opening hours of the centre will be extended to better cater for working families to get to and from work in hours that better suit the employment requirements of the many employers around Moora.

SUMMARY:

In summary, the author would recommend that Council continue with the provision of child care services in house after extensive analysis and community consultation. Moving forward it is anticipated there may be some advantages in establishing a working group consisting of Management and Parents and perhaps a Councillor to meet a couple of times / year to over view the financial performance of the centre to ensure the services continues to track toward a cost neutral outcome for the Shire of Moora.

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION

That Council approve the continuation of the Moora Childcare Service on the basis of “in-house” service provision;

- *That the daily fee be increased to \$70 per day from 1 January 2014, in lieu of the opening hours of the centre being amended to 8.15am to 5.15pm;*
- *That the Chief Executive Officer prepare a 5 year financial plan for the centre to address operational income and expenditure along with likely capital improvements in order to give Council and community alike a clear direction in terms of the future financial parameters associated with the centre;*
- *That Management analyse the benefits of establishing a Child Care Service Working Group, with membership to consist of Councillor/s, Staff and parents to meet no less than two times per year.*

10.2 ROAD TRAIN PERMIT – NIXON FARMING PTY LTD

The Manager Engineering Services advised that an application had been received from Mr Peter Nixon of Nixon Farming Pty Ltd to utilise a number of local roads for carting of products such as grain, lime, fertiliser etc. on the basis of seasonal movements.

A number of the roads requested have not been approved previously under the Restricted Access Vehicle (RAV) system. If Council have no objections to the application it will need to be forwarded to Main Roads to have the relevant roads inspected to assess their suitability for restricted access vehicles.

The roads include Barberton East, Wirrilda, Webb, Balarang, Bullbarnet, Prior and Wass Roads. The vehicle will be a road train with 2 tri-axle trailers and a dolly.

COMMITTEE RECOMMENDATIONS

That Council

1. *advise Mr Peter Nixon that it does not object to the use of roads*
 - a) *Barberton East Road*
 - b) *Wirrilda Road*
 - c) *Webb Street*
 - d) *Balarang Road*
 - e) *Bullbarnet Road*
 - f) *Prior Road*
 - g) *Wass Road**on the basis of seasonal access in the movement of broadacre farming produce, subject to the nominated roads being assessed as being of the appropriate standard in accordance with the requirements of the RAV system.*
2. *Further, that the Chief Executive Officer be delegated authority to refer any like requests for other applicants to Main Roads WA for the benefit of expediency in handling such applications.*

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14. CLOSURE OF MEETING