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## Minutes

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<b>Meeting</b>	Ordinary meeting of Kaipara District Council
<b>Date</b>	Tuesday 26 April 2016
<b>Venue</b>	Northern Wairoa Memorial Hall, Conference Room, Hokianga Road, Dargaville
<b>Time</b>	Meeting commenced at 10.00 am Meeting ended 12.50 pm
<b>Status</b>	Confirmed

### Membership

Chair: Commissioner John Robertson

Members: Commissioner Peter Winder and Richard Booth

Sean Mahoney  
**Governance Services Manager**

09 439 3602

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## Contents

<b>1</b>	<b>Opening.....</b>	<b>3</b>
1.1	Present.....	3
1.2	Apologies .....	3
1.3	Confirmation of Minutes .....	3
1.4	Conflict of Interest Declaration .....	3
<b>2</b>	<b>Deputations and presentations .....</b>	<b>4</b>
<b>3</b>	<b>Confirmation of Minutes.....</b>	<b>4</b>
3.1	Ordinary Meeting of Council: Minutes 26 April 2016 .....	4
<b>4</b>	<b>Policy.....</b>	<b>4</b>
4.1	Kaipara District Council Wastewater Drainage Policy and Bylaw Review: Statement of Proposal, adoption for consultation.....	4
4.2	Audit and Risk Committee – amended Terms of Reference .....	5
4.3	Forecast Two 2015/2016 .....	6
4.4	Annual Plan 2016/2017 source documents .....	6
4.5	Annual Plan 2016/2017: Approval of consultation document .....	7
<b>5</b>	<b>Operational .....</b>	<b>8</b>
5.1	Matakohe Hall Footprint - Change of Reserve Status .....	8
5.2	Unformed Road – Raymond Bull Road, Mangawhai – Formation of Accessway .....	8
5.3	Unformed Road – Roberts West Road, Hoanga, formation of carriageway.....	9
5.4	Local Government New Zealand AGM and Conference July 2016, Dunedin .....	9
5.5	Memorandum of Understanding with Te Uri o Hau .....	10
5.6	Remuneration Authority – Additional Responsibility pool and expenses recommendations..	10
5.7	Sale of Council-owned land to Delta Produce Lot 67 DP 81938 and Lot 12 DP 111969.....	11
5.8	Sale of Surplus Council-owned land – Portion of Opanake Road, Dargaville.....	12
<b>6</b>	<b>Performance Reporting .....</b>	<b>12</b>
6.1	Chief Executive’s Report April 2016 .....	12
<b>7</b>	<b>Public Excluded Council Minute items: Tuesday 26 April 2016.....</b>	<b>13</b>
<b>8</b>	<b>Open Council Minutes meeting Tuesday 26 April 2016 .....</b>	<b>15</b>
8.1	Ordinary meeting of Council: Public Excluded Minutes 22 March 2016 (Agenda Item 7.1)...	15
8.2	Northland Roading Shared Services – Transportation Hub and Shared Services Business Unit (Agenda Item 7.2).....	15
8.3	Contract 798 Three Waters Operation and Maintenance: Tender Evaluation (Agenda Item 7.3) .....	15
8.4	Stormwater Issues: 8 Pohutukawa Place, Mangawhai (Agenda Item 7.4).....	15
8.5	Chief Executive Appointment (Agenda Item 7.5).....	15
8.6	Contract 765 Animal Management and Compliance Services 2016/2019, Tender Report (Agenda Item 7.6) .....	16
<b>9</b>	<b>Closure.....</b>	<b>16</b>

**Minutes of the Ordinary Meeting of Kaipara District Council, Tuesday 26 April 2016**
**1 Opening**
**1.1 Present**

Commissioner J Robertson (Chair)

Commissioner R Booth

Commissioner P Winder

**In Attendance**

<b>Name</b>	<b>Designation</b>	<b>Item(s)</b>
Jill McPherson	Acting Chief Executive	All
Glennis Christie	General Manager Finance	All
Fran Mikulicic	General Manager Planning and Regulatory	All
Curt Martin	General Manager Infrastructure	All
Venessa Anich	General Manager Community	All
Peter Marshall	General Manager Corporate Services	All
Duncan McAulay	General Manager Strategy and Administration	All
Rick Groufsky	Financial Services Manager	1-4
Paul Cresswell	Financial and Corporate Planning Manager	1-4
Alison Puchaux	Revenue Manager	1-4
Roger Grove	Financial Consultant	1-4
John Burt	Property and Commercial Advisor	5-6
Sean Mahoney	Governance Services Manager	All (Minute taker)

**Adjournments**

Nil.

**1.2 Apologies**

Nil.

**1.3 Confirmation of Minutes**

The Committee replaced item 4.4 pages 109 to 198 with an updated report.

The Committee added item 7.6 being "Contract 765 Animal Management and Compliance Services 2016/2019, Tender Report".

**1.4 Conflict of Interest Declaration**

Commissioner Booth declared an interest in Item 5.7 "Sale of Council owned land to Delta Produce Lot 67 DP 81938 and Lot 12 DP 111969".

## 2 Deputations and presentations

Nil.

## 3 Confirmation of Minutes

### 3.1 Ordinary Meeting of Council: Minutes 26 April 2016

Governance Services Manager 1601.20

**Moved Robertson/Winder**

*That the unconfirmed Minutes of the Ordinary meeting of Kaipara District Council held 26 April 2016, be confirmed as a true and correct record.*

**Carried**

## 4 Policy

### 4.1 Kaipara District Council Wastewater Drainage Policy and Bylaw Review: Statement of Proposal, adoption for consultation

Policy Planner 3210.02

**Moved Winder/Booth**

*That Kaipara District Council:*

- 1 *Receives the Policy Planner's report 'Kaipara District Council Wastewater Drainage Policy and Bylaw Review: Statement of Proposal, Adoption for Consultation' dated 19 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Considers that amending Council's Wastewater Drainage Policy and Wastewater Drainage Bylaw is the most appropriate means of regulating onsite wastewater disposal systems and to manage, regulate and protect Council's wastewater infrastructure and that the proposed Bylaw is:*
  - a *in the appropriate form; and*
  - b *not inconsistent with, and there are no unresolved issues in respect of, the New Zealand Bill of Rights Act 1990; and*
- 4 *Amends the Policy, Statement of Proposal and Bylaw in regard to coverage to apply to all residentially zoned areas as identified in the Kaipara District Plan and to all land irrespective of zoning that is 300m from the east coast/west coast, 300m from the Mangawhai and Kaipara Harbours and 300m from the Kai Iwi Lakes (and for clarification that this applies to points 11-15 of the Bylaw); and*

- 5 *Believes the Statement of Proposal meets the requirements under s86 of the Local Government Act 2002 and the Summary of Information meets the requirements under s83AA of the Local Government Act 2002 and are to be approved for public consultation pursuant to s83 of the Local Government Act 2002; and*
- 6 *Authorises the Statement of Proposal to be publically notified by placing a public notice in local newspapers, and the Proposal to be open for Submissions for a one month period from Sunday 01 May 2016 to Wednesday 01 June 2016; and*
- 7 *Delegates responsibility to Commissioner John Robertson and Commissioner Richard Booth to hear Submissions on the Statement of Proposal and to make a recommendation to Council on the final Wastewater Drainage Bylaw and Policy.*

**Carried**

#### 4.2 **Audit and Risk Committee – amended Terms of Reference**

**Governance Services Manager 1203.01**

**Moved Booth/Robertson**

*That Kaipara District Council:*

- 1 *Receives the Governance Services Manager's report 'Audit and Risk Committee – amended Terms of Reference' dated 08 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the amended Audit and Risk Committee :Terms of Reference; and*
- 4 *Notes that a further revision of the Terms of Reference will be presented to the incoming Mayor and Council in October 2016.*

**Carried**

#### 4.3 Forecast Two 2015/2016

Financial Services Manager 2303.22

Moved Booth/Winder

*That Kaipara District Council:*

- 1 *Receives the report from the Financial Services Manager 'Forecast Two: 2015/2016' dated 15 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the forecast as set out in the forecast sections in the above-mentioned report and its attachments, and determines that no further action is required at this point in time; and*
- 4 *Notes that the revised forecast shows key movements in planned operational expenditure due to higher legal and associated costs of \$1.0 million, higher regulatory costs of \$0.7 million offset by revenues of \$0.4 million for the activities undertaken, set-up costs for the roading business unit of \$0.2 million funded by interest cost savings of \$0.6 million and \$1.0 million of prior years' cash surplus; and*
- 5 *Notes that the revised forecast shows a one-off revenue item relating to the Office of the Auditor-General (OAG) settlement of \$5.4 million; and*
- 6 *Approves the revised capital expenditure schedules listed in Attachment 4 and the carry forwards to the Annual Plan 2016/2017; and*
- 7 *Notes that forecast debt is currently projected in the order \$64.9 million which is a reduction from the Annual Plan due to a settlement with OAG and release of retained earnings.*

**Carried**

#### 4.4 Annual Plan 2016/2017 source documents

Financial and Corporate Planning Manager 2302.20.01

Moved Robertson/Booth

*That the Kaipara District Council:*

- 1 *Receives the Financial and Corporate Planning Manager's report 'Annual Plan 2016/2017 source documents' dated 19 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

3 *Adopts as source documents for the Annual Plan 2016/2017 Consultation Document as required by the Local Government Act 2002, the following as attached to the above-mentioned report*

- *Proposed statements of financial and capital performance; and*
- *Prospective financial statements; and*
- *Proposed capital expenditure programme - summary; and*
- *Proposed capital expenditure programme - detail; and*
- *Proposed rates summary (uniform annual general charge \$708); and*
- *Rates summary (uniform annual general charge \$734); and*
- *Proposed rating sample properties; and*
- *Proposed funding impact statement (funding tools).*

**Carried**

#### 4.5 **Annual Plan 2016/2017: Approval of consultation document**

**Acting Chief Executive 2302.20.04**

**Moved Robertson/Winder**

*That Kaipara District Council:*

- 1 *Receives the Acting Chief Executive's report 'Annual Plan 2016/2017 : Annual Plan 2016/2017: Approval of consultation document dated 18 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the consultation document for Annual Plan 2016/2017 – Year two – Long Term Plan 2015/2025 for public engagement, with final amendments to be approved by the Acting Chief Executive and Chair of the Commissioners.*

**Carried**

## 5 Operational

### 5.1 Matakohe Hall Footprint - Change of Reserve Status

Property and Commercial Advisor 4603.08

Moved Winder/Booth

*That Kaipara District Council:*

- 1 *Receives the Property and Commercial Advisor's report 'Matakohe Hall Footprint - Change of Reserve Status' dated 11 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that Council had resolved in 2007 to change the status of the reserve land under the Matakohe Hall and in 2008 publically notified its intention to do so, however received no comment or objection from any member of the public; and*
- 4 *Resolves to change the status of the land under the Matakohe Hall from Recreation Reserve to Local Purposes (Community Buildings) Reserve.*

**Carried**

### 5.2 Unformed Road – Raymond Bull Road, Mangawhai – Formation of Accessway

Roading Manager 3837.95; 4102.20

Moved Winder/Robertson

*That Kaipara District Council:*

- 1 *Receives the Roding Manager's report 'Unformed Road – Raymond Bull Road, Mangawhai – Formation of Accessway' dated 15 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the option to use an unformed legal road, Raymond Bull Road, Mangawhai (unformed section), by the registered proprietor of Lot 6 DP 177202 to form an accessway to provide access to the property, and that the formation of the accessway shall comply with Council's Engineering Standards 2011.*

**Carried**



**5.3 Unformed Road – Roberts West Road, Hoanga, formation of carriageway****Roading Manager** 4102.20**Moved Winder/Booth***That Kaipara District Council:*

- 1 *Receives the Roading Manager's report "Unformed Road – Roberts West Road, Hoanga, formation of carriageway" dated 08 March 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the use of an unformed legal road, Roberts West Road, Hoanga (unformed section), by Northland Fish and Game and the Department of Conservation to form an accessway to provide access to Lot 2 of DP 491910, and that the formation of the accessway shall comply with Council's Engineering Standards 2011.*

**Carried****5.4 Local Government New Zealand AGM and Conference July 2016, Dunedin****Governance Services Manager** 1909.01**Moved Robertson/Booth***That Kaipara District Council:*

- 1 *Receives the Governance Services Manager's report 'Local Government New Zealand AGM and Conference July 2016, Dunedin' dated 08 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Appoints Commissioner Winder to be its official delegate to attend the Local Government New Zealand Annual Conference 2016, to vote as the presiding delegate, and approves his attendance at conference.*

**Carried**

## 5.5 Memorandum of Understanding with Te Uri o Hau

Governance Services Manager 2114.03.02

**Moved Winder/Robertson**

*That the Kaipara District Council:*

- 1 *Receives the Governance Services Manager's report 'Memorandum of Understanding with Te Uri o Hau' dated 18 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the terms and conditions outlined in the Memorandum of Understanding, attached to the above-mentioned report; and*
- 4 *Delegates to the Acting Chief Executive to make any changes as necessary in agreement with the Chair of the Commissioners to finalise and sign the Memorandum of Understanding with Te Uri o Hau in May 2016.*

**Carried**

## 5.6 Remuneration Authority – Additional Responsibility pool and expenses recommendations

Governance Services Manager 1801.00

**Moved Robertson/Booth**

*That the Kaipara District Council:*

- 1 *Receives the Governance Services Manager's report 'Remuneration Authority – Additional responsibility pool and expenses recommendations' dated 15 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves that the Kaipara District Council submit for determination to the Remuneration Authority the "Draft Elected Members Allowances and Recovery of Expenses Policy"; and*

4 Approves that the Kaipara District Council submit for determination to the Remuneration Authority that the following allowances be made from the additional responsibilities pool

- Deputy Mayor \$26,855; and
- Audit And Risk Portfolio \$5,371; and
- Taharoa Domain Governance Committee Chair \$5,371; and
- Mangawhai Park Governance Committee \$5,371; and
- Land Transport Portfolio \$5,371.

**Carried**

**5.7 Sale of Council-owned land to Delta Produce Lot 67 DP 81938 and Lot 12 DP 111969**

**Property and Commercial Advisor 5105.12**

Commissioner Booth left the room for Item 5.7

**Moved Winder/Robertson**

*That Kaipara District Council:*

- 1 *Receives the Property and Commercial Advisors report 'Sale of Council-owned land to Delta Produce Lot 67 DP 81938 and Lot 12 DP 111969' dated 12 April 2016, and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Determines that in accordance with its Property Disposal and acquisition policy that the former local purpose reserve land described as Lot 67 DP 81938 and Lot 12 DP 111969 are now surplus to requirements and can be sold to Delta Produce Limited; and*
- 4 *Delegates to the Chief Executive responsibility for negotiating the sale price, and final terms and/or conditions of the Sale and Purchase Agreement.*

**Carried**

## 5.8 Sale of Surplus Council-owned land – Portion of Opanake Road, Dargaville

**Property and Commercial Advisor 5105.12**

**Moved Winder/Booth**

*That Kaipara District Council:*

- 1 *Receives the Property and Commercial Advisor's report 'Sale of Surplus Council-owned land - Portion of Opanake Road, Dargaville' dated 14 April 2016; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *In accordance with its Property Disposal and Acquisition Policy, the land described other than the area of the dam, its curtilage and immediate catchment is declared surplus to Council requirements and can be sold; and*
- 4 *Offers the surplus land back to its previous owners under s40(2)(a) of the Public Works Act 1982 and if the offer is declined then offers the property for sale generally to any interested parties; and*
- 5 *Delegates to the Acting Chief Executive the detailed delineation of the area to be retained and responsibility for accepting or declining any offer that is made for this property; and*
- 6 *Delegates to the Acting Chief Executive responsibility for negotiations of final terms and conditions of any Sale and Purchase Agreement.*

**Carried**

## 6 Performance Reporting

### 6.1 Chief Executive's Report April 2016

**Chief Executive: 2002.02.16/April**

**Moved Robertson/Winder**

*That Kaipara District Council receives the Chief Executive's Report for April 2016.*

**Carried**

## 7 Public Excluded Council Minute items: Tuesday 26 April 2016

The meeting went into Public Excluded at 11.30 am

**Moved Robertson/Winder**

*That the public be excluded from the following part of the proceedings of this meeting namely:*

- *Ordinary meeting of Council : Public Excluded Minutes 22 March 2016*
- *Northland Roding Shared Services – Transportation Hub and Shared Services Business Unit*
- *CON798 Three Waters Operation and Maintenance: Tender Evaluation*
- *Stormwater Issues : 8 Pohutukawa Place, Mangawhai*
- *Chief Executive Recruitment*
- *Contract 765 Animal Management and Compliance Services 2016/2019, Tender Report.*

*The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<i>Ordinary meeting of Council : Public Excluded Minutes 22 March 2016</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Northland Roding Shared Services – Transportation Hub and Shared Services Business Unit</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
CON798 Three Waters Operation and Maintenance: Tender Evaluation	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Stormwater Issues: 8 Pohutukawa Place, Mangawhai	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Chief Executive Recruitment	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Contract 765 Animal Management and Compliance Services 2016/2019, Tender Report	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

**Carried**

## 8 Open Council Minutes meeting Tuesday 26 April 2016

**Moved Robertson/Booth**

*That the public be re-admitted to the meeting and that resolution 7.1 made whilst in Public Excluded be confirmed in Open Meeting. Resolution 7.2, 7.3, 7.4, 7.5 and 7.6 to be confirmed in open meeting once the relevant parties have been informed.*

**Carried**

### 8.1 Ordinary meeting of Council: Public Excluded Minutes 22 March 2016 (Agenda Item 7.1)

**Governance Services Manager 1601.20**

**Moved Robertson/Booth**

*That the Public Excluded Minutes of the Ordinary meeting of Council held 22 March 2016 be confirmed as a true and correct record.*

**Carried**

### 8.2 Northland Roading Shared Services – Transportation Hub and Shared Services Business Unit (Agenda Item 7.2)

**General Manager Infrastructure 4102.0/BU**

[Secretarial note: Item to be confirmed in open meeting once the relevant parties have been informed.]

### 8.3 Contract 798 Three Waters Operation and Maintenance: Tender Evaluation (Agenda Item 7.3)

**General Manager Infrastructure 4801.798**

[Secretarial note: Item to be confirmed in open meeting once the relevant parties have been informed.]

### 8.4 Stormwater Issues: 8 Pohutukawa Place, Mangawhai (Agenda Item 7.4)

**General Manager Infrastructure 4404.0/PP&IV; 52/0122169911**

[Secretarial note: Item to be confirmed in open meeting once the relevant parties have been informed.]

### 8.5 Chief Executive Appointment (Agenda Item 7.5)

**Chair of the Commissioners 22/SP/Chief Executive**

[Secretarial note: Item to be confirmed in open meeting once the relevant parties have been informed.]

**8.6 Contract 765 Animal Management and Compliance Services 2016/2019, Tender Report  
(Agenda Item 7.6)**

**General Manager Planning and Regulatory 4107.765**

[Secretarial note: Item to be confirmed in open meeting once the relevant parties have been informed.]

**9 Closure**

The meeting closed at 12.50 pm

**Confirmed 23 May 2016**

**Chair .....**

Confirmed