MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL HELD AT 9AM ON MONDAY 16 FEBRUARY, 9AM ON TUESDAY 17 FEBRUARY AND 1PM ON WEDNESDAY 18 FEBRUARY 2009

PRESENT: The Mayor, Bob Parker (Chairperson).

Councillors Helen Broughton, Sally Buck, Ngaire Button, Barry Corbett, David Cox, Yani Johanson, Claudia Reid, Bob Shearing, Gail Sheriff (17,18.2.2009), Mike Wall,

Sue Wells, Chrissie Williams and Norm Withers.

1. APOLOGIES

An apology for absence was received and accepted from Councillor Sheriff for Monday 16 February.

5. STATEMENTS OF PROPOSAL

This item was taken at this stage of the meeting.

STATEMENTS OF PROPOSAL - THE ESTABLISHMENT OF TWO CHARITABLE TRUSTS

The two proposals were considered separately. The need for additional information to be included in the Statement of Proposal was highlighted. Staff brought to members' attention the additional information contained in the public excluded report on the agenda.

Infrastructure Charitable Trust

Members noted the need for the Trust Deed to be very clear exactly what the funds can be paid out for

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that that the Council adopt the Statement of Proposal for an Infrastructure Charitable Trust (option 1) subject to additional information being included in the statement of proposal, including:

- (a) clearly stating the reasons for the trust
- (b) the options for the trust
- (c) the funding source
- (d) whether the trust will be self-funding.

Establishment of Charitable Energy Trust

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that that the Council adopt the Statement of Proposal for an Christchurch Agency for Energy Charitable Trust subject to additional wording being added to address concerns regarding transparency and the Trust Deed.

STATEMENT OF PROPOSAL - TRANSFER OF THE CHRISTCHURCH TOWN HALL TO A COUNCIL CONTROLLED TRADING ORGANISATION

Members were of the view that the Statement of Proposal should be rewritten to make clear exactly what the transaction would involve, and note that the Town Hall will remain in Council ownership (the Council being the owner of VBase).

The Mayor moved:

That the Council adopt the Statement of Proposal – Transfer of the Christchurch Town Hall to a Council Controlled Trading Organisation subject to the proposal being re-written to make clear the nature of the proposed transaction.

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The motion was seconded by Councillor Shearing and when put to the meeting was declared **carried** on Division No. 1 by 9 votes to 3, the voting being as follows:

For (9): Councillors Buck, Button, Corbett, Reid, Shearing, Wall, Wells, Withers and

the Mayor.

Against (3): Councillors Broughton, Johanson and Williams.

Councillor Cox declared an interest in respect to this item and took no part in the voting and discussion thereon.

STATEMENT OF PROPOSAL – THE FUTURE OF THE COUNCIL'S INVOLVEMENT IN THREE EARLY LEARNING CENTRES

Councillor Shearing moved:

That the Council adopt the Statement of Proposal on the Future of the Council's Involvement in Three Early Learning Centres.

The motion was seconded by Councillor Cox and when put to the meeting was declared **carried** on Division No. 2 by 10 votes to 3, the voting being as follows:

For (10): Councillors Buck, Button, Corbett, Cox, Reid, Shearing, Wall, Wells, Withers

and the Mayor.

Against (3): Councillors Broughton, Johanson and Williams.

STATEMENT OF PROPOSAL - THE FUTURE USE OF THE FORMER EDGEWARE POOL SITE

The Chief Executive noted that the Statement of Proposal as it currently read was too broad and needs to be re-written to focus only on points (a), (c) and (d) as set out in the proposal, these being:

- (a) The former Edgeware Pool site be cleared of contaminants, once a final decision is made with regard to its use.
- (c) The former pool site (excluding that part of it currently used for water infrastructure) be sold for residential purposes.
- (d) A community garden is developed in the accessway to the site from Trafalgar Street.

It was **resolved** on the motion of the Mayor, seconded by Councillor Wall, that the Council adopt the Statement of Proposal with amendments as follows:

- (a) The former Edgeware Pool site be cleared of contaminants.
- (b) The former pool site (excluding that part of it currently used for water infrastructure) be sold for residential purposes.
- (d) A community garden is developed in the access way to the Council-owned portion of the site from Trafalgar Street.

The Mayor further moved:

(c) That the net proceeds from any sale be used towards the development of a community centre in the area.

The motion was seconded by Councillor Wall and when put to the meeting was declared **carried** by 9 votes to 4 on Division No. 3, the voting being as follows:

For (9): Councillors Broughton, Buck, Button, Reid, Shearing, Wells, Williams,

Withers and the Mayor.

Against (4): Councillors Corbett, Cox, Johanson and Wall.

Councillor Williams moved:

That the Council and the community enter into a mediation process to resolve differences that have developed in recent years.

The motion was seconded by Councillor Button and when put to the meeting was declared **carried** on Division No. 4 by 11 votes to 2, the voting being as follows:

For (11): Councillors Broughton, Buck, Button, Corbett, Johanson, Reid, Wall, Wells,

Williams, Withers and the Mayor.

Against (2): Councillors Cox and Shearing.

STATEMENT OF PROPOSAL TO EXTEND THE CITY TRAM ROUTE

The Mayor moved:

That the Council adopt the Statement of Proposal to Extend the City Tram Route, option b), subject to a full map of the proposed route being included, clear statements being made in the proposal as to where funding was coming from (rates or borrowing) and it being noted that there would be no levy on business owners.

The motion was seconded by Councillor Shearing and when put to the meeting was declared **carried** on Division No. 5 by 11 votes to 2, the voting being as follows:

For (11): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Wall,

Wells, Withers and the Mayor.

Against (2): Councillors Johanson and Williams.

SUSPENSION OF STANDING ORDERS

Pursuant to Standing Order 2.1.3, it was **resolved** on the motion of the Mayor, seconded by Councillor Withers, to temporarily suspend those Standing Orders relating to debate, discussion and order of agenda items for the purpose of allowing across the table discussion of operational expenditure and capital projects.

2. FINANCIAL OVERVIEW

The Mayor moved:

That the proposed operational expenditure as set out in pages 3 to 8 of the agenda be adopted, subject to amendments.

The motion was seconded by Councillor Withers.

A correction was noted in the line "Digitise holdings and update website at Art Gallery" – '-70' to be inserted into 2010/11 column.

Councillor Williams moved by way of amendment:

That grants reduction, 'inflation proof existing community grants funding of \$12.6 million (\$437,000 in 2009/10).

The motion was seconded by Councillor Johanson and when put to the meeting was declared lost.

Councillor Shearing moved by way of amendment:

That the Council agree that if additional savings can be made through CAPEX, consideration be given to these savings being used to make a grant to CEDF (aim being \$500,000).

The amendment was seconded by the Mayor and when put to the meeting was declared carried.

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Public Participation

Councillor Buck moved:

That this fund be reduced by \$50,000.

The motion was seconded by Councillor Cox.

After clarification by the General Manager Regulation and Democracy Services that the requested increase in funding was for development of the Council's relationship with Maori, Councillor Buck withdrew the motion.

3. 2009-19 LTCCP OVERVIEW AND CAPITAL PROGRAMME

Capital Endowment Fund

(Councillor Buck temporarily retired at 4.15pm and returned at 4.19pm).

Councillor Broughton moved

- 1. That earnings from the capital endowment fund be split 30 per cent civic and community and 70 per cent economic development.
- 2. With regard to the economic development portion (estimate \$2.1 million) the funds be allocated:
 - (a) \$500,000 to CCT for special projects approved by the Council
 - (b) \$500,000 to CDC for special projects approved by the Council
 - (c) \$900,000 for iconic events, Buskers, PGA Golf, Cup and Show Week, Ellerslie Flower Show
 - (d) \$200,000 for contribution to one-off events (exhibitions, concerts and sporting events)
- 3. That the minimum community grant for projects from the civic and community portion be set at \$50,000.
- 4. That funding allocation be reviewed in three years or if the interest earned from the fund changes significantly (increase or decrease) within the three years.

The motion was initially seconded by Councillor Buck, who following discussion, withdrew this. The motion was then seconded by Councillor Button.

(Councillor Williams retired at 4.40pm).

Councillor Shearing moved by way of amendment:

That the words 'approved by the Council" be removed from 2(a) and (b).

The amendment was seconded by Councillor Reid and when put to the meeting was declared **carried** on Division No. 6 by 7 votes to 5, the voting being as follows:

For (7): Councillors Button, Cox, Shearing, Reid, Wall, Withers and the Mayor.

Against (5): Councillors Buck, Broughton, Corbett, Johanson and Wells.

The substantive motion was then put to the meeting and declared **carried** on Division No. 7 by 10 votes to 2, the voting being as follows:

For (10): Councillors Broughton, Button, Corbett, Cox, Reid, Shearing, Wall, Wells,

Withers and the Mayor.

Against (2): Councillors Buck and Johanson.

ADJOURNMENT OF MEETING

At 5pm the Council **resolved** that the meeting stand adjourned. The meeting resumed at 9am on Tuesday 17 February 2009.

3. 2009-19 LTCCP OVERVIEW AND CAPITAL PROGRAMME (Cont'd)

Capital Projects

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the capital projects as set out in the volume *Christchurch City Council LTCCP 2009-19 Capital Project Forms* be adopted subject to amendments to individual projects.

Akaroa Sewerage Treatment Plant Improvements (item 15)

Councillor Reid moved:

That the funding in the proposed LTCCP for projects:

15 Akaroa Sewerage Treatment Plant Improvements

16 Lyttelton Harbour Wastewater Review

17 NZ Drinking water Standards Rural Upgrade

18 Little River Water Supply

51 Wainui Sewer Reticulation and Treatment Plant

194 Water Supply for Akaroa

be used to fund those projects plus also projects:

314 Wastewater Extension to Charteris Bay

319 Wastewater Little River

320 Water Supply Extension to Charteris Bay

322 Water Supply Rapaki Fire Flow Upgrade

It is felt that by reviewing the scope of projects 15-194 (as noted above) funding may become available to also fund projects 314, 319, 320 and 322 within the proposed funding allocation.

The motion was seconded by Councillor Buck and when put to the meeting was declared **carried** on Division No. 8 by 12 votes to 2, the voting being as follows:

For (12): Councillors Broughton, Buck, Button, Corbett, Johanson, Reid, Shearing,

Wall, Wells, Williams, Withers and the Mayor.

Against (2): Councillors Cox and Sheriff.

Expansion of the St Albans Resource Centre (item 150)

Councillor Sheriff moved:

That the expansion of the St Albans Resource Centre project be deleted.

The motion was seconded by Councillor Cox and when put to the meeting was declared **lost** on Division No. 9 by 10 votes to 4, the voting being as follows:

Against (10): Councillors Broughton, Buck, Button, Corbett, Reid, Shearing, Wells,

Williams, Withers and the Mayor.

For (4): Councillors Cox, Johanson, Sheriff and Wall.

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Councillor Corbett moved:

That the above project be moved to years 2010, 2013, 2014 and 2015.

The motion was seconded by Councillor Buck and when put to the meeting was declared **tied** on Division No. 10 by 7 votes to 7, with the voting being as follows:

Against (7): Councillors Button, Broughton, Cox, Shearing, Sheriff, Wall and Williams.

For (7): Councillors Buck, Corbett, Johanson, Reid, Wells, Withers and the Mayor.

There being no casting vote, the status quo is retained.

Community Board Meeting Microphones (item 164)

Councillor Sheriff moved:

That this project be deleted.

The motion was seconded by Councillor Shearing and when put to the meeting was declared **carried** on Division No. 11 by 12 votes to 2, the voting being as follows:

For (12): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff,

Wall, Wells, Withers and the Mayor.

Against (2): Councillors Johanson and Williams.

Botanic Gardens Entry Pavilion (item 165)

It was **resolved** on the motion of Councillor Williams, seconded by Councillor Broughton, that this project be brought forward one year to 2010 (\$415,000) and that the remaining budget allocation be split evening between 2011 and 2012.

Botanic Gardens Permanent Bridge (item 241)

Councillor Williams moved:

That the permanent bridge be funded in years 2010, 2011 and 2012.

The motion was seconded by Councillor Broughton and when put to the meeting was declared **lost** on Division No. 12 by 9 votes to 5, the voting being as follows:

Against (9): Councillors Buck, Button, Corbett, Cox, Shearing, Sheriff, Wall, Withers and

the Mayor.

For (5): Councillors Broughton, Johanson, Reid, Wells and Williams.

Banks Peninsula Land Purchase (item 166)

Councillor Shearing moved:

That we not purchase land on Banks Peninsula and that this item be removed from this LTCCP.

The motion was seconded by Councillor Broughton and when put to the meeting was declared lost.

Test Cricket at Hagley Oval (item 169)

Councillor Broughton moved:

- (a) That \$905,000 be allocated for funding in 2011 year for a cricket facility.
- (b) That the Council consult on three venues: Hagley Park, QEII and Lincoln.

The motion was seconded by Councillor Johanson and when put to the meeting was declared **lost** on Division No. 13 by 12 votes to 2, the voting being as follows:

Against (12): Councillors Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Wall, Wells,

Williams, Withers and the Mayor.

For (2): Councillors Broughton and Johanson.

On the motion of Councillor Wells, seconded by Councillor Corbett, the Council **resolved** to add to the project statement and objective to project item 169, by way of addition, "subject to St Albans, Riccarton and Old Boys cricket clubs confirming their support, and any necessary consents being obtained at the cost of Canterbury Cricket".

Christchurch Transport Interchange (item 176)

Councillor Williams moved:

That this project be brought forward to be completed by 2013 with the funding being as follows.

\$12,187,500 year 1

\$24,862,500 year 2

\$36,562,500 year 3

\$18,314,748 year 4

The motion was seconded by Councillor Shearing and when put to the meeting was declared **carried** on Division No. 14 by 10 votes to 4, the voting being as follows:

For (10): Councillors Buck, Corbett, Johanson, Reid, Shearing, Wall, Wells, Williams,

Withers and the Mayor.

Against (4): Councillors Button, Broughton, Cox and Sheriff.

Additional information was received from staff regarding this project when the meeting reconvened on Wednesday 18 February.

It was **resolved** on the motion of the Mayor, seconded by Councillor Sheriff, that the earlier decision be **revoked** and that the Council return the timing of the bus exchange in the draft LTCCP to that which was originally proposed by staff.

Arts Centre Seismic Strengthening (item 208)

It was **resolved** on the motion of Councillor Broughton, seconded by Councillor Withers, that Council funding be provided subject to further clarification of the trust deed by the Chief Executive.

Councillor Wells declared an interest in respect to this item and took no part in the voting and discussion thereon.

Underground Wire Conversions (item 209)

Councillor Williams moved:

That \$280,000 be deleted from 2010 and funding in 2011 (\$1,120,000), 2012 (\$1,157,000) and 2013 (\$1,197,000) be deleted.

The motion was seconded by Councillor Reid and when put to the meeting was declared **carried** on Division No. 15 by 9 votes to 5, the voting being as follows:

For (9): Councillors Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Williams

and the Mayor.

Against (5): Councillors Broughton, Johanson, Wall, Wells and Withers.

Housing Land Development – Hornby (item 215)

It was **resolved** on the motion of Councillor Sheriff, seconded by Councillor Cox, that the land currently held at Hornby for social housing be offered for sale to Housing New Zealand Corporation or other agencies committed to the provision of social or affordable housing, subject to clarification that a special consultative procedure will be carried out if required.

Corporate Accommodation – Linwood (item 216)

It was **resolved** on the motion of Councillor Johanson, seconded by Councillor Button:

- (a) That project 216 be included in the current LTCCP.
- (b) That year 2016 (\$30,000), 2017 (\$490,000), 2018 (\$726,000).
- (c) That consideration be given to the sale of the existing site should it no longer be required for Council purposes.

Lyttelton Public Boating Facilities (item 242)

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Sheriff, that \$220,000 be funded in 2013, \$1,134,000 in 2014 for Lyttelton Public Boating Facility.

Pioneer Children's Pool (item 255)

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Wells, that this project be funded as follows:

2010 - \$143,000 2011 - \$1,576,000.

Mobile Grandstand – 1,000 seats (item 259)

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Shearing, that the Council make budgetary provision to purchase mobile grandstand seats to accommodate up to 1,000 people, noting that this has no rating impact as the debt servicing costs will be met from revenue.

Eastern Aquatic Facility (un-numbered)

Councillor Johanson moved:

That funding of \$15 million over years 2017, 2018 and 2019 be provided for an eastern aquatic facility.

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The motion was seconded by Councillor Williams and when put to the meeting was declared **lost** on Division No. 16 by 12 votes to 2, the voting being as follows:

Against (12): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff,

Wall, Wells, Withers and the Mayor.

For (2): Councillors Johanson and Williams.

New Bus Seats on existing routes (item 268)

Councillor Williams moved:

That the provision of 30 new seats at bus stops per year be funded as follows:

```
2010
        $95,000
2011
        $98,500
        $102,000
2012
2013
        $105,500
2014
        $108,500
2015
        $112,000
2016
        $115,500
2017
        $119,000
2018
        $122,500
2019
        $126,000
```

The motion was seconded by Councillor Buck and when put to the meeting was declared **carried** on Division No. 17 by 9 votes to 5, the voting being as follows:

For (9): Councillors Buck, Button, Broughton, Johanson, Reid, Shearing, Williams,

Withers and the Mayor.

Against (5): Councillors Corbett, Cox, Sheriff, Wall and Wells.

New Bus Shelters on existing routes (item 267)

Councillor Williams moved:

That this project for seven bus shelters per year be funded as follows:

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2010
        $109,000
2011
        $113,000
2012
        $116,000
2013
        $120,000
2014
        $124,000
2015
        $128,000
2016
        $132,000
2017
        $136,000
2018
        $140,000
2019
        $144,000.
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The motion was seconded by Councillor Buck and when put to the meeting was declared **carried** on Division No. 18 by 8 votes to 6, the voting being as follows:

For (8): Councillors Buck, Button, Corbett, Johanson, Reid, Wells, Williams and the

Mayor.

Against (6): Councillors Broughton, Cox, Shearing, Sheriff, Wall and Withers.

It was agreed that other items raised by Councillors be put on hold for further prioritisation by staff.

ADJOURNMENT OF MEETING

At 5.10pm the Council **resolved** that the meeting stand adjourned. The meeting resumed at 1pm on Wednesday 18 February 2009.

3. 2009-19 LTCCP OVERVIEW AND CAPITAL PROGRAMME (Cont'd)

CDC Funding

It was **resolved** on the motion of the Mayor, seconded by Councillor Sheriff that funding of \$350,000 be given to CDC for three years 2010, 2011 and 2012.

This would result in funding of \$850,000 above its normal operating grant to be used \$500,000 for special projects and \$350,000 as a contribution to the CEDF fund.

\$500,000 funding from the CEF fund to be used for contribution to the CEDF fund of \$350,000 and \$150,000 for special projects.

\$350,000 funding from rates to be used for special projects.

2. FINANCIAL OVERVIEW - OPERATIONAL EXPENDITURE

It was **resolved** on the motion of the Mayor seconded by Councillor Withers, that the Operational Expenditure be adopted.

2. FINANCIAL OVERVIEW - CAPITAL EXPENDITURE

It was **resolved** on the motion of the Mayor seconded by Councillor Withers, that the Capital Expenditure be adopted.

(Councillor Corbett temporarily retired at 1.47pm.)

RESUMPTION OF STANDING ORDERS

Pursuant to Standing Order 2.1.3 the Council resolved to lift the temporary suspension of Standing Orders.

(Councillor Corbett returned at 1.50 pm).

ACTIVITY MANAGEMENT PLANS

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Broughton, that the Activity Management Plans (as tabled) be adopted.

3. 2009 – 19 LTCCP OVERVIEW AND CAPITAL PROGRAMME (Cont'd)

Schedule of Fees and Charges

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Wall that the Council adopt the Schedule of Fees and Charges attached to the draft 2009-19 LTCCP, subject to amendments as outlined below, and that the Council instruct the Chief Executive when preparing annual plans that all fees and charges be increased by inflation with the exception of fees set by statute or when this increase would result in fees recovered being greater than the recovery ratio identified in the appropriate activity management plan.

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Councillor Williams moved by way of amendment

That fees for small sign consents for educational facilities be set at \$50.

The motion was seconded by Councillor Button. Following discussion the motion was withdrawn.

Errors were noted which require correction, including the word "excluding" to the fees and charges for protected trees on page 199.

Rate Requirement

It was **resolved** on the motion of the Mayor seconded by Councillor Withers, that rate requirement for the 2009-19 LTCCP of:

	\$M	
2009/10	256.047	3.90%
2010/11	269.163	3.91%
2011/12	283.477	4.16%
2012/13	297.872	3.98%
2013/14	314.753	4.61%
2014/15	330.057	3.87%
2015/16	345.877	3.85%
2016/17	362.164	3.81%
2017/18	379.206	3.85%
2018/19	396.390	3.71%

Council Policies

The Mayor moved:

That the Policy on Determining Significance, with amendments as tabled, be adopted.

The motion was seconded by Councillor Withers.

Councillor Broughton moved by way of amendment:

That specific criteria that need to be considered in determining the significance of a decision will be:

- 1. Extent to which the matter is controversial within the community.
- 2. Reversibility. The more difficult it is to reverse a decision, in general, the greater its significance. A decision which leads to a final outcome has greater significance than one where the outcome can be largely reversed in a different form.
- 3. Precautionary principle. Where the significance of a matter being considered, or a decision being made is unclear, then the Council will err on the side of treating the issue as of more, rather than less, significance.
- 4. The magnitude of the decision in terms of its net cost to the Council.

(Councillor Sheriff temporarily retired at 4.15pm).

The motion was seconded by Councillor Williams and when put to the meeting was declared **lost** on Division No. 19 by 10 votes to 3, the voting being as follows:

Against (10): Councillors Buck, Button, Corbett, Cox, Reid, Shearing, Wall, Wells, Withers

and the Mayor.

For (3): Councillors Broughton, Johanson and Williams.

(Councillor Sheriff returned at 4.20 pm)

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The substantive motion was then put to the meeting and declared carried.

Councillors Broughton, Johanson and Williams asked to have their votes against the motion recorded.

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the following Council policies be adopted:

Development Contributions
Rating System Changes
Revenue and Finance Policy
Liability Management Policy and Investment Policy
Adoption of new Treasury Ratios
Partnerships with the private sector
Remission and postponement of rates on Maori freehold land.

Draft LTCCP

It was **resolved** on the motion of the Mayor seconded by Councillor Withers, that the draft 2009-19 LTCCP, as amended, be adopted.

Statement of Proposal - Draft LTCCP

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Wells, that the Statement of Proposal in respect of the draft 2009-19 LTCCP be approved.

Draft LTCCP

It was **resolved** on the motion of Councillor Wall, seconded by Councillor Cox, that the General Manager Corporate Services be authorised to amend the draft LTCCP 2009-19 and Statements of Proposal where necessary, provided such amendments are not material.

It was **resolved** on the motion of Councillor Cox, seconded by Councillor Buck, that the following timetable for consultation be adopted:

- (a) public notices published (newspapers and the Council website): by Tuesday 10 March 2009
- (b) consultation period expires: 5pm, 16 April 2009
- (c) oral submissions heard: 11, 12, 13, 15 and 18 May 2009
- (d) submissions considered and the 2009-19 LTCCP adopted: by 30 June 2009.

NOTE OF THANKS

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the Council acknowledge the great input of staff in the organisation led in an exemplary way by the Chief Executive.

(The above resolution was passed unanimously.)

Councillors thanked the Mayor for his skill in chairing the meeting.

CONCLUSION

The meeting concluded at 4.30pm.

CONFIRMED THIS 26TH DAY OF MARCH 2009