



AGENDA

ORDINARY COUNCIL MEETING



21 NOVEMBER 2019

Commencing at 3.30pm in the
Shire of Wyalkatchem Council Chambers
27 Flint Street, Wyalkatchem

NOTICE OF COUNCIL MEETING

The next Ordinary Meeting of the Wyalkatchem Shire Council will be held on Thursday 21 November 2019 in the Council Chambers, 27 Flint Street Wyalkatchem, commencing at 3.30pm.

An Agenda for this meeting will be made available from the Shire Administration Office and on our website www.wyalkatchem.wa.gov.au

I have reviewed this agenda and am aware of all recommendations made to Council and support each as presented.



Taryn Dayman

CHIEF EXECUTIVE OFFICER

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem 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 decisions, which will be provided within ten days of this meeting.

DISCLOSURE OF INTEREST

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

Impartiality Interest:

To maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest.

Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting at which the matter in which you have an interest is to be discussed.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

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1. DECLARATION OF OPENING

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

2.2. Declaration of Public Question Time opened

2.3. Declaration of Public Question Time closed

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

3.2. Apologies

3.3. Approved Leave of Absence

3.4. Applications for Leave of Absence

4. OBITUARIES

5. PETITIONS, DEPUTATIONS, PRESENTATIONS

5.1. Petitions

5.2. Deputations

5.3. Presentations

6. DECLARATIONS OF INTEREST

6.1. Financial and Proximity Interest

6.2. Impartiality Interests

7. CONFIRMATION AND RECEIPT OF MINUTES

7.1. Confirmation of Minutes

7.1.1. Ordinary Meeting of Council – 17 October 2019

Minutes of the Shire of Wyalkatchem Ordinary Meeting of Council held on Thursday 17 October 2019 (Attachment 7.1.1)

OFFICER RECOMMENDATION:

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 17 October 2019 (Attachment 7.1.1) be confirmed as a true and correct record.

7.1.2. Special Meeting of Council – 21 October 2019

Minutes of the Shire of Wyalkatchem Special Meeting of Council held on Monday 21 October 2019 (Attachment 7.1.2)

OFFICER RECOMMENDATION:

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Monday 21 October 2019 (Attachment 7.1.2) be confirmed as a true and correct record.

7.2. Receipt of Minutes

7.2.1. NEWROC Council Minutes – 22 October 2019

Minutes of the NEWROC Executive Meeting held on Tuesday 22 October 2019 (Attachment 7.2.1)

OFFICER RECOMMENDATION:

That the minutes of the NEWROC Executive Meeting of Tuesday 22 October 2019 (Attachment 7.2.1) be received by Council.

7.2.2. NEWTRAVEL Annual General Meeting Minutes – 24 October 2019

Minutes of the NEWTRAVEL Annual General Meeting of Thursday 24 October 2019 (Attachment 7.2.2)

OFFICER RECOMMENDATION:

That the minutes of the NEWTRAVEL Annual General Meeting of Thursday 24 October 2019 (Attachment 7.2.2) be received by Council.

7.2.3. NEWTRAVEL General Meeting Minutes – 24 October 2019

Minutes of the NEWTRAVEL General Meeting of Thursday 24 October 2019 (Attachment 7.2.2)

OFFICER RECOMMENDATION:

That the minutes of the NEWTRAVEL General Meeting of Thursday 24 October 2019 (Attachment 7.2.2) be received by Council.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

10.REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – OCTOBER 2019

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 November 2019
Reporting Officer:	Tegan Maitland, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 Accounts for Payment – October 2019

SUMMARY

To provide Council with a list of accounts paid by the Chief Executive Officer in accordance with its delegated authority and for Council to endorse the payments made for the prior month.

BACKGROUND

In accordance with the *Local Government (Financial Management) Regulations 1996, s13(1)*, If a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

A list prepared under sub regulation (1) is to be –

- a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- b. Recorded in the minutes of that meeting.

Council has delegated to the CEO (delegation number 1.2.17) the power to make payments from the municipal fund or trust fund.

COMMENT

A payment listing for the month of October 2019 is presented for Council for their endorsement and includes payments made via cheque, Electronic Funds Transfer (EFT) and Direct Debit.

After payment of the following cheque, EFT and Direct Debit payments, the balance of creditors will be \$23,161.68.

Previous Accounts for Payment report to enable council to check that no sequential payment numbers have been missed from the previous accounts for payment reports and the report presented as attached, the following information is provided on the last cheque or EFT number used

Bank Account	Payment Type	Last Number	First Number in report
Municipal	Cheque	16873	16874
Municipal & Trust	EFT	EFT146	EFT147
Trust	Cheque	Cheque	No Payments
Reserves	EFT	EFT	No Payments

Please note that the above does not include payments made via Direct Debit (DD) as they are not in sequential number order.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations, S13.1

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2019/2020 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.1	Implement effective governance structures
		5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.2	Ensure efficient use of resources

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION

That Council endorse the following payments for the month of October 2019:

- 1. Cheque 16874 – 16876 payments in the Municipal Fund totalling \$178.20;*
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$128,562.36;*
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$37,112.51;*
- 4. Payroll Journal (JNL) payments in the Municipal Fund totalling \$79,419.35;*
- 5. Total payments for the month of October 2019 being \$245,272.42.*

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – SEPTEMBER 2019

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 November 2019
Reporting Officer:	Sheldon Cox, Finance and Administration Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.2 – Credit Cards – September 2019

SUMMARY

This report provides Council with a list of all financial dealings relating to the use of credit card payments for the period 29 August 2019 to 27 September 2019.

BACKGROUND

This information is provided to Council on a monthly basis in accordance with the provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Council is presented with the monthly accounts for payment at each Council meeting, providing information of payments made for the reporting period (note attachment 10.2.1). This report includes the monthly payment of the credit card debit to the National Australia Bank.

COMMENT

Accountability in local government can be multifaceted, as council seek to achieve diverse social, political and financial goals for the community benefit. The accountability principles of local government are based on strong financial probity, financial propriety, adherence to conflict of interest principals and expectations that the local government is fully accountable for community resources.

This report provides Council with detailed information of purchases paid using the Shire of Wyalkatchem Corporate Credit Cards.

A monthly review of credit card use is independently assessed by the Finance and Administration Officer, to confirm that all expenditure has been occurred, is for the Shire of Wyalkatchem and has been made in accordance with Council policy, procedures and the Local Government Act 1995 and associated regulations. The review by the Finance and Administration Officer also ensures that misuse of any corporate credit card can be readily detected.

This review has been conducted and it has been noted that the Department of Transport Invoices have been misplaced post payment. All other areas of compliance have been met.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management s.6.4

Local Government (Financial Management) Regulations 1996, R34

POLICY IMPLICATIONS

Policy Number 2.1 – Purchasing Policy.
Policy Number 2.3 – Credit Card Policy.

FINANCIAL IMPLICATIONS

Financial implications and performance to budget are reported to Council on a monthly basis. In this regard, expenditure must be in accordance with the 2018/2019 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council in accordance with attachment 10.1.2 endorse credit card payments made for the period 29 August 2019 to 27 September 2019 totalling \$136.84

10.1.3. MONTHLY FINANCIAL REPORT – OCTOBER 2019

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 October 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.02.02
Attachment Reference:	Attachment 10.1.3 Monthly Financial Report – October 2019

SUMMARY

For Council to review and accept the monthly financial report for the period ending 31 October 2019.

BACKGROUND

The *Local Government (Financial Management) Regulations 34* states that a local government must prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) and states the information required to be included in the financial activity reporting.

Council has adopted a material variance on 10% with a minimum value of \$10,000.

COMMENT

Financial activity reports have been prepared in accordance with the *Local Government (Financial Management) Regulations (34)*, including reporting on the variances between budgeted and actual expenditure.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management S6.4
Local Government (Financial Management) Regulations, R34

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Nil – Monthly Statement of Financial Activity reporting on council’s current financial position

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.1	Implement effective governance structures
		5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.2	Ensure efficient use of resources

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Statement of Financial Activity for the month ending 31 October 2019, as included in attachment 10.1.3, as presented and notes any material variances.

10.1.4. RATE EXEMPTION APPLICATION – RSLWA – 44 WILSON STREET, WYALKATCHEM

Applicant:	The Return & Services League of Australia WA Branch Incorporated (RSLWA)
Location:	44 Wilson Street, Wyalkatchem
Date:	12 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	25.08.02
Attachment Reference:	Attachment 10.1.4.1 – RSLWA Rate Exemption Application Attachment 10.1.4.2 – Policy 2.11 Rate Exemption

SUMMARY

For Council to consider granting a rate exemption to The Return & Services League of Australia WA Branch Incorporated (RSLWA) for 44 Wilson Street, Wyalkatchem

BACKGROUND

An application from RSLWA has been received seeking a rate exemption for their property located at 44 Wilson Street, Wyalkatchem – A121.

Section 6.26 of the *Local Government Act 1995* provides information on land exempt for rates, including 6.26(g) land used exclusively for charitable purposes.

The Act does not provide a definition eligibility requirements for a charitable purposes.

Council Policy 2.11 – Rate Exemption identifies the process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26(2)(g) of the *Local Government Act (the Act)*, where it is claimed the land is used exclusively for charitable purposes.

Council is required to consider this application and make a determination to grant or decline an exemption.

According to the Shire’s records a rate exemption was approved by the previous Chief Executive Officer in August 2014 for the rating period 1 July 2014 to 30 June 2018.

Rates has been raised against this property for the 1 July 2019 to 30 June 2020 period.

COMMENT

In accordance with Council Policy 2.11 – Rate Exemption, an assessment of the application has been conducted with the application deemed to meet the criteria and should be considered for an exemption.

The following information is provided detailing how the application meets the criteria as defined within Council Policy.

2.2 The applicant must be registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.

RSLWA is a not for profit organisation with a membership base of approximately 10,000 members consisting of current and ex-serving defence personnel who have served a minimum of 6 months, plus affiliated persons.

Supporting their registered charity status, the following has been provided as part of their submission;

- Certificate of Incorporation
- ACNC Registration
- ATO Notice of Endorsement Charity Tax Concessions
- ATO Notice of Endorsement as a Deductible Gift Recipient Status
- RSLWA Charitable Collection License 17953

Based on the information provided the RSLWA meets the requirement of section 2.2 of Council's Rate Exemption Policy.

2.3 The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.

RSLWA is the registered owner of the land and the Wyalkatchem RSL sub-Branch occupies the property located thereon.

Supporting their ownership status the following has been provided as part of their submission;

- Certificate of Title

Based on the information provided the RSLWA meets the requirement of section 2.3 of Council's Rate Exemption Policy.

2.4 The applicant must be used exclusively for charitable purpose, as defined in the Charities Act 2013.

The RSLWA constitution clause 4.1 defines the objectives of the RSLWA being:

- a) assist and care for serving and ex-serving Australian Defence Force personnel and their dependents who are sick, suffering from mental illness, elderly, homeless or otherwise in need of relief;
- b) support serving personnel of the Australian Defence Force at home and abroad and actively assist them in their transition to civilian life, especially if they are detrimentally affected by their Defence service;
- c) provide assistance to serving and ex-serving Australian Defence Force personnel and their dependents to secure compensation, benefits and assistance that they are eligible to receive under law;
- d) assist in the preservation of the memory, honour and records of those who suffered and died for Australia; and

e) do any act, matter or thing which is ancillary or incidental to carrying out the above Objects.

Applying the above information as well as general knowledge of RSLWA and RSL – Wyalkatchem Sub-branch against the requirements of the *Charities Act 2013* the RSLWA meets the requirements of section 2.4 of Council’s Rate Exemption Policy. Please refer to Council Rate Exemption Policy 2.11 for additional information on charitable purposes.

2.5 The Applicant must not conduct any commercial operation from the property.

Based on the information supplied as well as general knowledge of the RSLWA and RSL Wyalkatchem Sub-branch there is no evidence that any commercial activity is operation from the property.

RSLWA meets the requirements of section 2.5 of Council’s Rate Exemption Policy.

2.6 The applicant must not hold a liquor license for the provision of alcohol for sale to the public for profit.

Based on the information supplied as well as general knowledge of the RSLWA and RSL Wyalkatchem Sub-branch there is no evidence that the RSLWA or Wyalkatchem Sub-Branch are the holder of a liquor License for the provision of alcohol for sale to the public for profit.

RSLWA meets the requirements of section 2.6 of Council’s Rate Exemption Policy.

Other information.

The RSLWA has provided a copy of their audited Financial Report for the Financial Year End 31 December 2018.

Determination

Based on the information supplied by the RSLWA to the Shire of Wyalkatchem as part of their rate exemption application it is evident that they are a Charity and use the premises for only charitable purpose. Evidence has been provided that the land and premises, known as 44 Wilson Street, Wyalkatchem, is used exclusively for charitable purposes and as such, the land is deemed to be non-rateable pursuant to section 6.26(2g) of the *Local Government Act 1995*.

It is recommended that Council applies a rate exemption for a period of three (3) years, being from 1 July 2019 to 30 June 2022.

Council policy defines the process of grant of rate exemption. This includes rating exemptions for the current year that can be applied from 1 July and a refund given if rated have been paid prior to the determination.

Current year’s rates have been paid on the 1 November, with the amount of \$39.32 outstanding due to late payment interest penalties.

The proposed rate exemption will only be applicable to the Shire’s Annual Rates with other charges including Rubbish Service Charges and Emergency Service Levy still being payable.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.26

POLICY IMPLICATIONS

Council Policy 2.11 – Rate Exemption

FINANCIAL IMPLICATIONS

Decrease in rate revenue of \$579 for the 2019/2020 financial year.

Decrease in future rate revenue of approximately \$580 for each financial year.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: Healthy, strong and connected communities

Outcome No.	Outcome	Action No.	Actions
1.1	Enhanced community well-being and participation in community life	1.1.5	Support people with complex needs

Objective: A prosperous and dynamic district

Outcome No.	Outcome	Action No.	Actions
2.2	Informed, learning and connected district	2.2.2	Promote learning, networking and sharing opportunities

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Applies Section 6.26(2)(g) of the Local Government Act 1995 to the property at 44 Wilson Street, Wyalkatchem owned by the Returned Services League of Australia WA Branch Inc.*
- 2. That the rate exemption for the property at 44 Wilson Street, Wyalkatchem is granted for a period of three (3) years effective 1 July 2019.*
- 3. That the rate exemption is only applicable while the premises and land is owned by the Returned Services League of Australia WA Branch and used exclusively for charitable purpose and will cease if the premises or land is used for any commercial activity or gain.*

10.1.5. APPOINTMENTS – BUSH FIRE ACT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	4 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	9.01
Attachment Reference:	Nil

SUMMARY

This report is provided to Council to consider and endorse appointments in accordance with the *Bush Fire Act 1954*.

BACKGROUND

In accordance with legislative requirements the Council is required to formally appoint its Bush Fire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the *Bush Fires Act 1954*, in fulfilling their duty.

The Annual General meeting of the Wyalkatchem & Districts Bushfire Brigade was held on the 31 October 2019 and included the appointments of officers. Council is required to endorse the appointments in order to meet requirements as an appointed Bush Fire Control Officer under the *Bush Fire Act 1954*.

COMMENT

The majority of appointments remain unchanged. The Chief Executive Officer has delegated authority (Delegation 3.1.8) to make appointments under section 38 of the *Bush Fire Act 1954* for the appointments of Bush Fire Control Officer. There is currently no delegation for the appointment of Dual Fire Control Officer under section 40 of the *Bush Fire Act 1954*. Council may want to consider providing the Chief Executive Officer Delegated Authority to enable the Chief Executive Officer to make such appointments.

AS a result all appointments have been presented for Council's consideration

STATUTORY ENVIRONMENT

Bush Fire Act 1954

POLICY IMPLICATIONS

Policy number 10.3 – Bushfire Control – Officers Profile

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.5	Continually improve the planning readiness and support for emergency services

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council makes the following appointing under section 38 of the Bush Fire Act 1954

1. *That Mr Trent Tyler be appointed as the Shire of Wyalkatchem Chief Bush Fire Control Officer.*
2. *That Mr Marcus Reilly be appointed as the Deputy Chief Bush Fire Control Officer.*
3. *That the following be appointed as Shire of Wyalkatchem Fire Control Officer;*
 - *Dennis Reid,*
 - *Ray Reid,*
 - *James Ryan,*
 - *Trent Tyler,*
 - *Ian Jones,*
 - *Marcus Reilly*
 - *Claire Trenorden*
 - *Les Vidovich*
4. *That the following be appointed as Dual Fire Control Officer under section 40 of the Bush Fire Act 1954 for the following shires;*
 - *Shire of Dowerin - Marcus Reilly and Ian Jones*
 - *Shire of Cunderdin – Trent Tyler*
 - *Shire of Tammin – Dennis Reid, Ray Reid and James Ryan*
 - *Shire of Trayning - Dennis Reid, Ray Reid James Ryan, Dale, Trent Tyler*
 - *Shire of Kellerberrin - Dennis Reid, Ray Reid and James Ryan*
 - *Shire of Koorda - Dale Tyler, Trent Tyler, Marcus Reilly and Ian Johns*

10.1.6. APPOINTMENTS – DUAL FIRE CONTROL OFFICER – SHIRE OF CUNDERDIN

Applicant:	Shire of Cunderdin
Location:	Shire of Wyalkatchem
Date:	4 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	9.01
Attachment Reference:	Nil

SUMMARY

This report is provided to Council to consider and endorse Dual Fire Control Officer appointments for the Shire of Cunderdin and the Shire of Wyalkatchem in accordance with the section 40 *Bush Fire Act 1954*.

BACKGROUND

In accordance with legislative requirements the Council is required to formally appoint its Bush Fire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the *Bush Fires Act 1954*, in fulfilling their duty. Section 40 of the *Bush Fire Act 1954* allows two or more local governments by agreement join in appointing bush fire control officers for the purpose of the act, commonly referred to as Dual Fire Control Officers.

COMMENT

Council has received correspondence from the Shire of Cunderdin nominating the following Fire Control Officers for Dual Appointment as Fire Control officers with the Shire of Wyalkatchem and Shire of Cunderdin

STATUTORY ENVIRONMENT

Bush Fire Act 1954, section 40

POLICY IMPLICATIONS

Policy Number 10.3 – Bushfire Control – Officers Profile

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.5	Continually improve the planning readiness and support for emergency services

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

- 1. Appoints the Mr Stephen Crute, Shire of Cunderdin Fire Control Officers as Dual Fire Control Officers for the Shire of Cunderdin and Shire of Wyalkatchem.*
- 2. That the appointment of the above officer excludes the ability of issuing permits to landholders without prior consent from the Shire of Wyalkatchem in writing.*

10.1.7. APPOINTMENTS – DUAL FIRE CONTROL OFFICER – SHIRE OF DOWERIN

Applicant:	Shire of Dowerin
Location:	Shire of Wyalkatchem
Date:	4 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	9.01
Attachment Reference:	Nil

SUMMARY

This report is provided to Council to consider and endorse Dual Fire Control Officer appointments for the Shire of Dowerin and the Shire of Wyalkatchem in accordance with the section 40 *Bush Fire Act 1954*.

BACKGROUND

In accordance with legislative requirements the Council is required to formally appoint its Bush Fire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the *Bush Fires Act 1954*, in fulfilling their duty. Section 40 of the *Bush Fire Act 1954* allows two or more local governments by agreement join in appointing bush fire control officers for the purpose of the act, commonly referred to as Dual Fire Control Officers.

COMMENT

Council has received correspondence from the Shire of Dowerin nominating the following Fire Control Officers for Dual Appointment as Fire Control officers with the Shire of Wyalkatchem and Shire of Dowerin.

STATUTORY ENVIRONMENT

Bush Fire Act 1954, section 40

POLICY IMPLICATIONS

Policy Number 10.3 – Bushfire Control – Officers Profile

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.5	Continually improve the planning readiness and support for emergency services

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

- 1. Appoints the Mr Stephen Crute, Shire of Dowerin Fire Control Officers as Dual Fire Control Officers for the Shire of Dowerin and Shire of Wyalkatchem.*
- 2. That the appointment of the above officer excludes the ability of issuing permits to landholders without prior consent from the Shire of Wyalkatchem in writing.*

10.1.8. APPOINTMENTS – DUAL FIRE CONTROL OFFICER – TAMMIN

Applicant:	Shire of Tammin
Location:	Shire of Wyalkatchem
Date:	11 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	9.01
Attachment Reference:	Nil

SUMMARY

This report is provided to Council to consider and endorse Dual Fire Control Officer appointments for the Shire of Tammin and the Shire of Wyalkatchem in accordance with the section 40 *Bush Fire Act 1954*.

BACKGROUND

In accordance with legislative requirements the Council is required to formally appoint its Bush Fire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the *Bush Fires Act 1954*, in fulfilling their duty. Section 40 of the *Bush Fire Act 1954* allows two or more local governments by agreement join in appointing bush fire control officers for the purpose of the act, commonly referred to as Dual Fire Control Officers.

COMMENT

Council has received correspondence from the Shire of Tammin nominating the following Fire Control Officers for Dual Appointment as Fire Control officers with the Shire of Wyalkatchem and Shire of Tammin.

STATUTORY ENVIRONMENT

Bush Fire Act 1954, section 40

POLICY IMPLICATIONS

Policy Number 10.3 – Bushfire Control – Officers Profile

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.5	Continually improve the planning readiness and support for emergency services

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

- 1. Appoints the Mr Tim York, Shire of Tammin Fire Control Officers as Dual Fire Control Officers for the Shire of Tammin and Shire of Wyalkatchem.*
- 2. That the appointment of the above officer excludes the ability of issuing permits to landholders without prior consent from the Shire of Wyalkatchem in writing.*

10.2. GOVERNANCE AND COMPLIANCE

10.2.1. OFFICERS REPORT TO COUNCIL – CHIEF EXECUTIVE OFFICER – OCTOBER 2019

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	10 October 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.09.01
Attachment Reference:	Nil

SUMMARY

This report is prepared by the Chief Executive Officer to provide Council and the community of Wyalkatchem with information about CEO activities and the operations of the Shire.

COMMENT

In the month of October 2019 the CEO has attended the following meetings and events.

- CEACA
- Weekly and adhoc ITvision meetings
- Council Workshop
- Matt Mildwaters - Contract Aquatic Centre
- LEMC
- Council Meeting
- Auditors
- NEWROC Council Meeting
- CEACA ILU inspections
- Bushfire Meeting

The CEO commitments in October 2019 include;

- CEACA AGM
- Regional Development Australia
- Wyalkatchem Community Resource Centre Committee meeting
- Council Workshop
- WA Police – Introduction to the new Wyalkatchem Officer in Charge, Sean Doyle.
- Wheatbelt work Camp Community Liaison Group Meeting
- Council Meeting
- NEWROC Executive Meeting

Relocation of Tennis Courts / Lighting of Bowling Greens

The Project Screening Checklist was submitted to Tennis Australia for the relocation and development of the Tennis Courts. This submission is a preliminary check of the projects eligibility

for the National Court Rebate Program with Tennis Australia inviting eligible projects to make application to the National Court Rebate Program.

The Shire has received an invitation to make submission for the relocation and redevelopment of the Wyalkatchem Tennis Court Project with the application due on the 29 November 2019.

2019 Extraordinary Election

As a result of a vacancy existing after the 19 October election and the resignation of Cr Metcalfe, an extraordinary election was held to fill two positions of councillors.

One nomination was received from Rachel Nightingale during the nomination period for the 2019 extraordinary election 14 December 2019. Rachel Nightingale was elected to the position of Councillor unopposed with the term expiring October 2023.

Mrs Nightingale will be make her declaration to the office prior to the December Ordinary Council Meeting.

Council has one vacancy remaining. Section 4.57(3) of the *Local Government Act 1995* (the Act) states that Council may appoint an eligible person: however does not place a limit on the time period in which such an appointment would need to be achieve.

In the interim, Council has no option but to continue to govern with six elected members, bearing in mind that any absolute decisions would still require the majority vote of force.

If no eligible person is available to fill the current vacancy by appointment, a proposal to reduce the number of offices of elected members would appear to be necessary.

Auditors

The auditors have been conducting their audit of the financial statements for the period ending 30 June 2019. From all accounts the audit appears to be progressing smoothly with no apparent issues being raised at this time.

As the audit report and audited financial statements are anticipated to be received shortly. As they have yet to be received in time for the November Audit and Risk Committee meeting, this meeting has been cancelled and rescheduled for the 14 December 2019.

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.1	Implement effective governance structures
		5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.3	Deliver open and transparent Council decision-making and reporting
		5.1.4	Implement systems and processes to enhance organisational capability
5.2	A customer focussed organisation	5.2.1	Improve awareness of Council's services, activities and performance
5.3	An organisation that demonstrates community inspired leadership	5.3.3	Enhance the delivery of service and advice that meets compliance and best practice
		5.3.6	Implement best practice people management policies and practices.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Chief Executive Officers report for the month of October 2019.

**10.2.2. OFFICERS REPORT TO COUNCIL – PRINCIPAL ENVIRONMENTAL HEALTH –
SEPTEMBER AND OCTOBER 2019**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 November 2019
Reporting Officer:	Peter Toboss – Principal Environmental Health Officer
Disclosure of Interest:	NIL
File Number:	13.09.01
Attachment Reference:	NIL

SUMMARY

Council is to consider and accept the Principal Environmental Health Officer report for September and October 2019 as presented.

BACKGROUND

The report will provide an insights into the important tasks undertaken by the Principal Environmental Health Officer (PEHO) on Monthly basis

COMMENT

The Principal Environmental Health Officer attends the Wyalkatchem office each Thursday. PEHO attended the annual Environmental Health Australia State Conference from 11 to 13 September 2019 at Esplanade Hotel Fremantle. On 19 September 2019, PEHO was away on sick leave PEHO was away on annual leave from 30 September to 11 October 2019.

HEALTH, BUILDING AND PLANNING ENQUIRIES

The PEHO completed a total of seven (12) health, building and planning enquiries completed in September and October 2019.

FOOD PREMISES & PUBLIC BUILDINGS INSPECTION

The below food businesses were inspected for food safety standards during August:

- Wyalkatchem General Store
- Pure Aussie Honey (temporary not operating)

The inspections returned good results.

LODGING HOUSE INSPECTION

The PEHO conducted inspection of the Barracks on Lot 303 Grace Street for compliance with the lodging house requirements under the *Health (Miscellaneous Provisions) Act 1911*.

ENVIRONMENTAL HEALTH AUSTRALIA (WA) STATE CONFERENCE

PEHO attended the annual Environmental Health Australia State Conference from 11 to 13 September 2019 at Esplanade Hotel Fremantle. The conference was very successful. There was also good networking opportunities with Environmental Health Practitioners.

RECYCLED WATER SUPPLY SCHEME DEPARTMENT OF HEALTH ANNUAL REPORT 2018/2019

Under the terms of the Recycled Water Supply Agreement (RWSA) and Recycled Water Quality Management Plan (RWQMP), the Shire is to provide an annual report to the Department of Health at the end of each financial year that the system is in operation. The report include an overview of

the system operation, any major works conducted on the system, incidents, sampling results and any notifications. The PEHO submitted this report in October.

RECYCLED WASTEWATER SAMPLING

The PEHO undertook the monthly sampling of Wyalkatchem Wastewater Treatment Plant in accordance with the Department of Health Guidelines for the Non-Portable Uses of Recycled Water in Western Australia (2011).The laboratory results of the water sample taken from the Shire storage dam outlet for September and October met the required standards.

SWIMMING POOL WATER SAMPLING

The first swimming pool water sampling for October was undertaken and the test results met the required standards.

RATE/PROPERTY ENQUIRY

The PEHO has completed one property transfer report in October.

STATUTORY ENVIRONMENT

Food Act 2008,
Public Health Act 2016
Health (Miscellaneous Provisions) Act 1911

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: Healthy, Strong and connected communities

Outcome No.	Outcome	Action No.	Actions
1.1	Enhance community well-being and participation in community life	1.1.2	Promote regional health solutions that are integrated with other governments and entities

Objective: A prosperous and dynamic district

Outcome No.	Outcome	Action No.	Actions
2.1	A Vibrant and activated public places	2.1.1	Enhance and upgrade the amenity of the shopping precinct

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Principal Environmental Health Officer Report for September and October 2019.

10.2.3. DELEGATION - DUAL FIRE CONTROL OFFICERS APPOINTMENTS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.02
Attachment Reference:	Attachment 10.2.2 – Appoint Dual Bush Fire Control Officers

SUMMARY

This report is provided to Council to consider and endorse delegation to the Chief Executive Officer to appoint “Dual” Fire Control Officers between the Shire of Wyalkatchem and neighbouring local governments.

BACKGROUND

In accordance with *Bush Fires Act 1954 Section 40* Local Governments may join in the appointment and employment of Bush Fire Control Officers.

These appointed Bush Fire Control Officers, commonly referred to as Dual Bush Fire Control Officers, may exercise their powers and authorities and shall perform their duties under the act in each and every one of the districts of the local government which have joined in appointing them.

Section 5.42 of the *Local Government Act 1995* (the Act) prescribes that Council may delegate its powers or duties to the Chief Executive Officer (CEO), Section 5.43 outlines the limitations on such delegations. Delegations to the CEO is also prescribed within other legislation.

Bush Fire Act 1954 Section 48. Delegation by Local Governments prescribes that Council may, in writing, delegate its powers to its Chief Executive Officer the performance of any of its functions under this Act.

The Appointment of Bush Fire Control Officers under section 38 of the *Bush Fire Act 1954* has been delegated to the Chief Executive Officer – Delegation 3.1.8.

COMMENT

It could be determined that the delegation 3.1.8 – Appoint Bush Fire Control Officer could also include the appointment of Dual Bush Fire Control Officers. However to provide transparency and clear direction it is recommended that a separate delegation be provided for the appointments of Dual Bush Fire Control Officers, as appointed under section 40 of the *Bush Fires Act 1954*.

Currently the appointment of Dual Bush Fire Control Officers is endorsed by Council and includes the condition to exclude to the ability of issuing permits to landholders without prior consent from the Shire of Wyalkatchem in writing.

It is recommended that the delegation to the CEO also included this condition on the delegation.

A copy of the proposed delegation is attached.

STATUTORY ENVIRONMENT

Bush Fire Act 1954, section 40 – Local governments may join in appointing and employing bush fire control officers

Bush Fire Act 1954, section 48 – Delegations by Local Government

Local Government Act 1995, Section 5.42 – Delegation of some powers and duties to the CEO

POLICY IMPLICATIONS

Policy Number 10.3 – Bushfire Control – Officers Profile

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.5	Continually improve the planning readiness and support for emergency services

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

That Council;

- 1. Approves, by ABSOLUTE MAJORITY, to DELEGATE the local government functions as detailed in attachment 10.2.2 under the Bush Fire Act 1954 section 40 to the Chief Executive Officer.*
- 2. Authorises the Chief Executive Officer to update the delegation register, adopted February 2018, to include delegation 3.1.12 – Appoint Dual Bush Fire Control Officers.*

10.2.4. DEVELOPMENT ASSESSMENT PANELS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 November 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.5.08 18.5.02
Attachment Reference:	Nil

SUMMARY

To nominate four elected members to sit as Development Assessment Panel (DAP) members for the Shire of Wyalkatchem.

BACKGROUND

Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* Council is required to nominate four elected members to sit as DAP members for their local government.

Each DAP comprises of five members, being three specialist members and two local government members.

Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme, The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

It is mandatory that a development application for the approval of a development, outside of the City of Perth with an estimate value of \$10 million to be referred to the DAP. It will also be optional to refer any development application with an estimate value between \$2 million and \$10 million to the DAP.

COMMENT

Given the above thresholds, it will be very rare occasion for the Shire of Wyalkatchem to be required to refer a development application to the DAP. Nevertheless, Council is required to appoint four (4) persons to the DAP comprising of two permanent members and two alternative members.

Fees to members are prescribed in Schedule 2 of the regulations, members will also be reimbursed motor vehicle and travel expenses at the rate prescribed.

Previously Cr Holdsworth and Cr Davies were appointed the Shire's DAP members and Cr Gamble and Cr Garner as the two alternative local government members.

DAP members are required to attend mandatory training before they can sit on the DAP.

STATUTORY ENVIRONMENT

Planning and Development (Development Assessment Panels) Regulations 2011

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Objective: A sustainable natural and built environment

Outcome No.	Outcome	Action No.	Actions
3.1	Inter-generational land use, planning and delivery	3.1.1	Maintain an effective Local Planning Scheme

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Nominate Cr Holdsworth and Cr Davies as members of the Shire's Development Assessment Panel; and*
- 2. Nominate Cr Gamble and Cr Garner as alternative members of the Shire's Development Assessment Panel.*

11.MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.MATTERS BEHIND CLOSED DOORS

15.INFORMATION BULLETIN

15.1. Information Bulletin

The information bulletin has been provided as an attachment (Attachment 15.1)

15.2. Business Arising from the Information Bulletin

16.CLOSURE OF THE MEETING