



Minutes

Ordinary Council Meeting

Thursday 10 November 2016

Ordinary Council – 10 November 2016
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 10 November 2016.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member Cr M Reid declared the meeting open the time being 9.00 am.

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr M Reid	Shire President
Cr S Lee	Deputy Shire President
Cr W Barrett	Councillor
Cr A Black	Councillor
Cr A Rogers	Councillor
Cr C Rose	Councillor
Cr D Bolt	Councillor
Cr P Briggs	Councillor
Mr D Unsworth	Chief Executive Officer
Mr R Peake	Director Planning and Sustainability
Mrs J Burton	Director Corporate and Community Development
Mr A Smith	Director Technical Services
Mrs M Toner	Executive Assistant Director Planning and Sustainability
Mrs L Barter	Executive Assistant Relief Officer

There were nine (9) members of the public, two (2) members of staff and one (1) member of the press in attendance at this time.

Cr C Thompson – (Apology – due to medical appointment) Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

5.1 Petition of Electors - Coolup Volunteer Bush Fire Brigade Appliance

File Ref: 1816
Applicant: Various via Petition
Author and Title: Dean Unsworth, Chief Executive Officer

Appendices 1 and 2

Purpose

On 1 November 2016, Council received a petition from electors of the Shire of Murray and the Minutes of a Public Forum held in Coolup on 26 October 2016, as detailed at

Appendices 1 and 2 in support of the Coolup Volunteer Bush Fire Brigade, and the wider community's request to acquire a 4.4 Broad-acre fire fighting appliance.

Statutory Environment

Clause 3.6 of the *Shire of Murray Meeting Procedures Local Law 2016* deals with petitions.

Policy Implications

Nil

Conclusion/Justification of Officer Recommendation

It is recommended that Council support this matter being dealt with in conjunction with Agenda Item 13.1 *Notice of Motion to Rescind - Replacement Appliance - Coolup Volunteer Bush Fire Brigade*.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM16/258

Moved: Cr A Rogers

Seconded: Cr W Barrett

That Council:

1. **endorses the Petition of Electors being dealt with in conjunction with Item 13.1 *Notice of Motion to Rescind - Replacement Appliance – Coolup Volunteer Bush Fire Brigade*; and**
2. **advises the petitioners of Council's decision accordingly.**

CARRIED UNANIMOUSLY 8:0

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 27 October 2016

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM16/259****Moved: Cr S Lee****Seconded: Cr D Bolt**

That the Minutes of the Ordinary Council Meeting held on Thursday 27 October 2016 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

In the morning of Monday 31 October, I attended the Peel Regional Leaders Forum at the City of Mandurah which was also attended by Senator the Hon Michaelia Cash and the Minister for Employment. In the afternoon, I attended a photo shoot at the Pinjarra RSL War Memorial for Remembrance Day.

On Thursday 3 November, I attended a meeting with Janet Prance from Expo Group.

On Monday 7 November, I facilitated the 'Way Forward' Aboriginal Workshop at the Pinjarra Civic Centre to discuss issues facing the community.

On Tuesday 8 November, I opened the 'Elders in Wonderland' Tea Party at the Edenvale complex in Pinjarra.

On Wednesday 9 November, I attended the 'Friends of Edenvale' meeting.

On Thursday afternoon following the Council Meeting, I attended the Pinjarra Cricket Club meeting at the Sir Ross McLarty oval.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

The Elected Members' announcements, as provided, will be attached to the Minutes.

9. ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER)

Cr A Rogers declared an impartiality interest in item 13.1 Notice of Motion to Rescind – Replacement Appliance – Coolup Volunteer Bush Fire Brigade in that she is a member of the Coolup Volunteer Bush Fire Brigade. The Councillor advised that she would consider the matter on its merits and vote accordingly.

Cr C Rose declared an impartiality interest in item 13.1 Notice of Motion to Rescind – Replacement Appliance – Coolup Volunteer Bush Fire Brigade in that she is a member of the Coolup Volunteer Bush Fire Brigade. The Councillor advised that she would consider the matter on its merits and vote accordingly.

10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL

Nil

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

Planning and Sustainability

11.1 Application for Planning Approval for Telecommunications Facility – Lot 40 (5257) Scarp Road, Teesdale

File Ref: SC09/40
Applicant: Aurecon Australia on behalf of Ericsson
Author and Title: Jan Strijdom, Planning Officer

Appendices 3 and 4

Purpose

Council is requested to determine an application for development approval for a telecommunications facility at Lot 40 (5257) Scarp Road, Teesdale.

Background

The subject property is zoned 'Rural' under the Shire of Murray Town Planning Scheme No. 4 (the Scheme) and is 20 hectares in area. The property abuts Pinjarra-Williams Road to the northeast, 'Rural' zoned land to the northwest, south and east and 'State Forrest Reserve' to the west. The property contains a dwelling and some outbuildings. The property is heavily vegetated with mature trees with some clearing towards the centre of the property.

A location plan is shown below.



Proposal

The National Broadband Network (NBN) has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the NBN. Ericsson has in turn engaged Aurecon to act on its behalf to install the required wireless infrastructure.

The proposed telecommunications facility will provide NBN fixed wireless coverage to parts of Teesdale and establish links between NBN facilities at Pinjarra and Dwellingup. The facility will ultimately improve internet services to the area.

The works associated with the proposal are as follows:

- Installation of a new 40m high monopole;
- Radio transmission equipment;
- Outdoor cabinets;
- Ancillary works within a fenced compound being 80m² in area.

The submitted site and elevation plans of the proposal are at **Appendix 3**. NBN has undertaken a thorough analysis of potential site alternatives and during this process has attempted to select the most appropriate site.

The following factors have been carefully considered as part of the selection process:

- The ability to meet the required coverage and technical objectives;
- Opportunities for co-location;
- The surrounding landscape and community needs.

Based on these factors, NBN determined that Lot 40 (5257) Scarp Road, Teesdale, would be the most appropriate location for the facility in order to provide high speed broadband coverage to this area.

Murray 2025 Strategic Community Plan

Objective 2	A progressive and diverse economy that maximizes employment and business opportunities
Outcome 2.2	Facilitate and support the growth of local businesses and agricultural pursuits
Strategy 2.2.1	Advocate for and build enabling economic infrastructure

Other Strategic Links

Nil

Statutory Environment

A telecommunications facility is a land use not listed under the Zoning Table of the Scheme and therefore requires planning approval. For a use not listed, the Council may, in accordance with clause 5.2.3 of the Scheme, determine that the proposed land use is consistent with the objectives of the zone it is proposed within and publicly advertise the proposal in accordance with sub clause 5.2.2 of the Scheme prior to determining it. In this case it is considered the proposed telecommunications facility is generally consistent with the objective of the 'Rural' zone and will not compromise the amenity of the area, therefore the application can ultimately be considered for approval.

Policy Implications

Shire of Murray Telecommunications Infrastructure Local Planning Policy

The Shire's *Telecommunications Infrastructure Local Planning Policy* (the Policy) applies to the proposal and it sets out objectives and requirements for proposed telecommunications facilities. The relevant objective of the Shire's policy is to ensure that telecommunications infrastructure is located and designed in a manner that minimises disturbance to the character of the local environment, the loss of amenity and meets relevant health and safety standards. The main requirements of the Shire's policy are based around protection of the area from visual intrusion, co-location of facilities, design to improve visual impact and health and safety considerations.

State Planning Policy No 5.2 - Telecommunications Infrastructure

State Planning Policy No. 5.2 Telecommunications Infrastructure (SPP 5.2) applies to the proposal. The relevant objectives of SPP 5.2 are to:

- Facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs; and
- Minimise disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure.

SPP 5.2 also lists a number of guiding principles for the location, siting and design of telecommunications infrastructure. The relevant principles are outlined below:

- Employ a coordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach;
- Telecommunications facilities should be located and designed to meet the communication needs of the community;
- Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views;
- Telecommunications facilities should be designed and sited to minimise adverse impacts of the visual character and amenity of residential areas;
- Unless it is impractical to do so, telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas;
- The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area;
- Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result;
- Measures such as surface mounting, concealment, colour coordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities;
- Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

The proposed NBN facility is expected to have a significant benefit for businesses in the Dwellingup and Teesdale area. Businesses can, through the internet usage, increase efficiency through time, resources and monetary savings. Improved internet services effectively remove physical distance and travel time which can be seen as great barriers to business.

Social - (Quality of life to community and/or affected landowners)

The implementation of the NBN in the area will have a potential educational benefit in curriculum and data sharing. It will also increase availability and accessibility to research material as well as virtual classroom environments.

Environment – (Impact on environment's sustainability)

Minor clearing of trees is to occur to ensure space is available for the construction of the facility and access track.

Governance – (Policy implications)

It is considered the proposed telecommunications facility meets the relevant objectives and requirements of the Shire's *Telecommunications Infrastructure Local Planning Policy*.

Overall Risk Management Consideration

In accordance with the Shire's Risk Management Guide, it is considered there would be a low level of reputational risk should Council approve the application. It is possible that a complaints could be received due to perceived visual impact of a monopole being erected in the area. The potential for visual impact has been given due regard in assessment of the proposal and is considered a minimal risk given there is an abundance of mature trees between the nearest dwelling and the facility which will screen the infrastructure from view. (Refer photograph included in **Appendix 4**).

Consultation

The proposal was advertised for a period of 21 days. Advertising was carried out by way of letters to nearby landowners and advertisements in a local newspaper. At the close of the advertising period, three submissions were received from nearby landowners and comments were received from Main Roads.

Two of the submission from nearby landowners supported the proposal. One submission objected to the proposal primarily due to potential visual impact on the lack of separation between the proposed site and the nearest residential dwelling approximately 266 m to the north -east.

A schedule of submissions setting out the key issues raised by the submissions and an officer comment and recommendation on each is included at **Appendix 4**.

Resource Implications

Financial

The applicant has paid the appropriate application fee and reimbursed the Shire for advertising costs.

Workforce

Assessment of the development application has been accommodated within the scope of the Planning and Sustainability resources.

Options

Council has the option of:

1. Granting development approval with or without conditions; or
2. Refusing to grant development approval.

Conclusion/Justification of Officer Recommendation

The proposed telecommunications facility is considered to be consistent with the statutory planning framework, in particular the Shire's *Telecommunications Infrastructure Local Planning Policy* and SPP 5.2. These two policies require telecommunications facilities to be strategically located, co-located where possible, sited and designed to minimise visual and environmental impact, and meet appropriate health standards. These requirements have been discussed in further detail below.

Strategic Network Planning

Planning for new fixed wireless broadband facilities is a complex process. When an area is identified as requiring fixed wireless coverage, investigations are undertaken to determine the measures required to provide the coverage. Firstly, a site is to be identified where the wireless facility can be positioned at the highest point geographically. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are technical and non-technical criteria to be considered, these are listed below:

- Service objectives;
- Topographical constraints affecting network line of site;
- Potential co-location at an existing telecommunications facility;
- Visual impact on the surrounding area;
- The proximity to community sensitive locations;
- The proximity to areas of environmental or heritage significance;
- The availability of secure tenure;
- The availability of public utilities, such as power;
- Construction issues (including structural and loading feasibility and access for maintenance purposes);
- Occupational health and safety; and
- Other cost factors.

These factors often restrict the available search area for a wireless internet service to a local community.

To support the fixed wireless component of this network, NBN requires a fixed wireless transmission site to provide fixed wireless internet coverage to the broader region. The proposed site at Teesdale will serve as a hub site with connectivity with NBN facilities in Dwellingup and Pinjarra.

Co-location

The sharing or co-location of service providers on one telecommunications facility is encouraged where possible. Three initial candidate sites; of which two would involve co-location; were identified and assessed based on the ability to meet the coverage objectives and site considerations as mentioned above.

A summary of the three candidate sites is set out below, including their potential and constraints.

No	Address	Facility Type	Description
A	Alcoa Mine Site, North East Road, Banksiadale.	Telstra co-location on existing 61m mast.	Unachievable due to the power requirements at the site.
B	No address. Off Scarp Road, Marrinup.	Telstra co-location on existing 50m lattice tower.	Unclear as to whether NBN could attain tenure of the site and potential lengthy process to proceed with this candidate.
C	Lot 40 (5257) Scarp Road Teesdale.	40m Monopole	Candidate deemed to best satisfy the selection criteria across frequency and transmission design, property service, town planning, and design and construction feasibility.

As noted in the above table, candidate site C (the subject site) is the preferred site that meets the majority of the criteria as well as the Shire's policy requirements.

Siting, Design and Visual Impact

As previously noted the Telecommunication facility is to be located at Lot 40 (5257) Scarp Road, Teesdale. The property is located approximately 6.7km west of Dwellingup and 14.8km south east of Pinjarra. Access to the property is via an existing gravel track off Scarp Road.

The facility will be in the north western corner of the property with new access proposed from Scarp Road. Minor clearing of trees is to occur to ensure space is available for the construction of the facility and access track.

As noted previously, the facility entails a 40m high monopole. A monopole is considered to be the least visually intrusive design option for a new telecommunications facility as they are narrow in nature. Furthermore, a circular headframe at the top containing two panel antennas measuring approximately 1077mm x 300mm x 115mm; two parabolic dish antennas fixed to the monopole at 37m; a dish of 600mm in diameter providing a link to the Dwellingup facility and a 900mm in diameter dish providing the link to Pinjarra.

From a visual amenity point of view, the monopole will have minimal impact on scenic views, routes or lookouts, given the dense vegetation in the vicinity, particular between the site and Pinjarra-Williams Road.

The Shire received three submissions from neighbours during the advertisement period of which one objected to the locality of the monopole. The objector advised the proposal did not recognise that their dwelling is sited only 266m away from the proposed facility and that this factual error should be rectified. The objector further advised the tower will significantly impact on their property and it should be re-sited further away from Scarp Road.

It is considered there is little merit in this objection given that there is mature canopy trees between the dwelling and the telecommunications facility which would effectively screen the facility from view.

Environmental Impact

The area in which the telecommunications facility is proposed to be sited is not affected by any major environmental constraints, however it does fall within the Bushfire Prone area. According to State planning Policy 3.7 'Planning in Bushfire Prone Areas' the facility is classed as a Class 10 structure and a Bushfire Attack Level assessment is not necessary.

Health and Safety

An electromagnetic emissions (EME) report submitted with the application states that the maximum predicted EME from the proposed facility is at 0.071% of the maximum exposure limit set by the Australian Communication and Media Authority and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a federal government agency and is charged with the responsibility for protecting the health and safety of people from the harmful effects of radiation.

Given the very low level of EME that will be produced by the facility it is unlikely that the emissions from the facility would cause any adverse health effects.

Conclusion

The most pertinent issue with the proposed telecommunications tower is its potential visual impact on the amenity of the area. Whilst it is acknowledged that these forms of development can be visually obtrusive, any minor visual amenity impact must be balanced against the need for improved telecommunications facilities in the area. Overall it is considered the visual impact of the facility is not sufficient enough to outweigh the benefits the facility would bring to the homes and small businesses in the area.

Accordingly approval of the application is recommended.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM16/260

Moved: Cr S Lee

Seconded: Cr P Briggs

That Council resolves to grant planning approval to the proposed telecommunications facility at Lot 40 (5257) Scarp Road, Teesdale, subject to the following conditions:

- 1. a schedule of colours and materials demonstrating that the ancillary structures will complement the surrounding rural area as far as practicable shall be submitted to the local government for approval prior to the lodgment of an application for a building permit; and**
- 2. the approved schedule of colours and materials being implemented.**

CARRIED UNANIMOUSLY 8:0

Corporate Governance

11.2 Budget Amendments to Opening and Closing Balances and Projects Carried Forward from 2015/2016

File Ref: 8100
Author and Title: Tracie Unsworth, Manager Finance

Appendices 5

Purpose

This report is presented to Council to request adoption of amendments to the 2016/17 budget following the preparation and audit of the 2015/16 Annual Financial Statements.

Background

Council adopted its 2016/17 Annual Budget on 28 July 2016. At the time of the adoption of the annual budget, transactions for the 2015/16 year were not finalised and therefore the annual financial statements reflect different figures than those presented as estimated actuals in the budget document. The impact on the opening and closing balances and some of the uncompleted projects that are carried forward from 2015/2016 to 2016/2017 are adjusted during the preparation of the annual financial statements.

It is prudent practice for Council to consider a budget variation as soon as possible after the financial statements have been audited so that the budgets are corrected prior to the statutory budget review period in December 2016. This practice is encouraged by the Department of Local Government and Communities and the Shire's auditors.

Proposal

This review highlights areas where amendments to initial budget allocations are required and have been detailed in **Appendix 5** for Council's review and determination.

Following the adoption of the 2016/2017 budget, final reconciliation of the 2015/2016 accounting transactions resulted in an increase in receivables of \$63,086, an increase in payables and provisions of \$81,239 and a decrease in transfers to reserves of \$6187. These transactions amounted to an overall net decrease to the closing surplus of \$11,966.

Of the projects included in the 2015/16 budget that were identified as incomplete and carried forward to the 2016/17 budget, transactions totalling \$40,723 were accounted for in the 2015/16 year following budget preparation. Included in these transactions were transfers from reserves of \$1295, equating to an overall decrease of \$39,428 to the amount required to be funded from the surplus.

To compliment grant funding received from the Peel Development Commission under the Community Chest Fund and contributions from the Dwellingup Community Compact, \$20,000 of the identified increase in surplus is requested to be utilised for the installation of BBQs and associated infrastructure at the Dwellingup Community Playground. This funding will assist in the completion of the upgrade of Dwellingup's community facilities. It is noted that there is only 1 BBQ in Dwellingup located adjacent to Marinup Road.

Also included in the proposed budget amendments are three projects that are fully funded by grants that have been received following budget adoption. Two of these projects are funded under the All West Australian's Reducing Emergencies (AWARE), and the third being ongoing funding for the Sport 4 All - KidSport program. Also included in the fully funded section of the review are two projects proposed to align with the Murray 2025 Strategic Community Plan Strategy 5.4.1 "Minimise waste generation". These two projects will improve waste management operations and incorporate improved facilities that encourages the community to recycle and diverts waste from landfill. They are:

- Preparation of a master plan for the Corio Road Transfer Station to meet the projected population growth - \$50,000
- Replacement of the oil facility at the Corio Road Transfer Station to improve utilisation and recycling of oil - \$40,000

Both projects are identified as priorities within the Corporate Business Plan and are proposed to be fully funded from the Waste Management Reserve. As a result, they will have no effect on the estimated surplus.

The impact on the Shire's 2016/17 budget is summarised as follows:

Original Estimated Closing Surplus/(Deficit) 30 June 2017	\$551,847
Adjustments to 2015/16 Projects Carried Forward	19,428
Adjustments to 2015/16 Estimated Surplus/(Deficit) Brought Forward	(11,966)
Revised Estimated Closing Surplus/(Deficit) 30 June 2017	\$559,309

The net overall effect of the above changes results in an increase to the estimated surplus as at 30 June 2017 of \$7462.

Murray 2025 Strategic Community Plan

Objective 1	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community
Outcome 1.1	A long term strategically focused Shire that is sustainable, respected and accountable
Strategy 1.1.3	Ensure accountable, ethical and best practice governance to our district

Other Strategic Links

Nil

Statutory Environment

Although there is no statutory requirement for Council to amend the annual budget at this time, the Western Australian Local Government Accounting Manual published by the Department of Local Government and Communities advises that a variation item to correct opening balances should be taken to Council as soon as possible after the financial statements have been audited so that the budgets are corrected prior to the statutory budget review period.

Policy Implications

Nil

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

Not applicable

Social - (Quality of life to community and/or affected landowners)

Not applicable

Environment – (Impact on environment's sustainability)

Not applicable

Governance – (Policy implications)

Not applicable

Overall Risk Management Consideration

Reviewing the annual budget on a regular basis assists in the sound management of the Shire's finances by ensuring decisions made throughout the year take into account the most recent financial position and helps to ensure that there will be no negative impact on the Shire's finances.

Consultation

Not applicable

Resource Implications

Financial

The impact on the Shire's estimated financial position as at 30 June 2017 as a result of this budget review is an increase of \$7462 to the closing surplus and is detailed in the rate setting statement and accompanying notes presented as part of the review document (refer **Appendix 5**).

Workforce

Nil

Options

Council has the option of:

1. Supporting the officer recommendation to approve the budget adjustments as presented in **Appendix 5**.
2. Approving part of the proposed budget adjustments as presented in **Appendix 5**.
3. Not supporting the officer recommendation.

Conclusion/Justification of Officer Recommendation

A thorough review of all projects carried forward from the 2015/16 financial year has been undertaken as part of this budget review. All amendments detailed in the review document (at **Appendix 5**) are considered necessary to ensure successful provision of Shire services and that the Shire's financial reports reflect the true estimated financial position as at 30 June 2017.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM16/261

Moved: Cr P Briggs

Seconded: Cr C Rose

That Council adopts the budget review as presented, and approves the amendments to the revised budget, and the opening and closing positions.

CARRIED UNANIMOUSLY 8:0

11.3 Council and Committee Dates January to December 2017

File Ref: 1158
Author and Title: Dean Unsworth, Chief Executive Officer

Purpose

This report is presented to Council to consider the Ordinary Council meeting dates for 2017.

Background

Local Governments at least once each year are required to give local public notice of the dates on which and the time and place at which the Ordinary Council meetings are to be held in the next 12 months.

Proposal

Council meeting dates are currently scheduled on the 2nd and 4th Thursday of each month.

Council has in the past varied the December round of meetings to meet the needs of Christmas and New Year where necessary. The meeting dates for 2017 do not coincide with any scheduled public holidays.

Murray 2025 Strategic Community Plan

Not applicable

Murray 2016-2020 Corporate Business Plan

Not applicable

Other Strategic Links

Not Applicable

Statutory Environment

Local Government (Administration) Regulations Clause 12 requires local governments to give public notice of its meetings.

Policy Implications

Not Applicable

Sustainability & Risk Considerations

Economic - (Financial impact to the community)

Not Applicable

Social - (Quality of life to community and/or affected landowners)

Not Applicable

Environment – (Impact on environment's sustainability)

Not Applicable

Governance – (Policy implications)

Not Applicable

Overall Risk Management Consideration

Not Applicable

Consultation

Not Applicable

Resource Implications

Financial

The cost of advertising the meeting details of Council is included in the current budget.

Workforce

Not applicable

Options

Council has the option of:

1. Advertising its meeting details to the public as recommended.
2. Varying the dates being recommended for advertising.

Conclusion/Justification of Officer Recommendation

It is recommended that Council adopts the meeting dates for 2017 detailed below which is in line with the current structure.

If for any reason in the future Council wishes to vary a meeting date, it can do so by complying with the *Local Government Act* and advertising its intention.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM16/262

Moved: Cr W Barrett

Seconded: Cr A Rogers

That:

1. **Council adopts and advertises the dates for the 2017 Ordinary Council meetings as follows, commencing at 9am:**

February	Thursday 9 February 2017 Thursday 23 February 2017
March	Thursday 9 March 2017 Thursday 23 March 2017
April	Thursday 13 April 2017 Thursday 27 April 2017
May	Thursday 11 May 2017 Thursday 25 May 2017
June	Thursday 8 June 2017 Thursday 22 June 2017
July	Thursday 13 July 2017 Thursday 27 July 2017

August	Thursday 10 August 2017 Thursday 24 August 2017
September	Thursday 14 September 2017 Thursday 28 September 2017
October	Thursday 12 October 2017 Thursday 26 October 2017
November	Thursday 9 November 2017 Thursday 23 November 2017
December	Thursday 7 December 2017 Thursday 21 December; and

2. the December and January monthly Financial Statements be presented to the Ordinary Council meeting to be held on 23 February 2017.

CARRIED UNANIMOUSLY 8:0

Recreation and Community Development

11.4 CCTV Camera Placement Strategy Review

File Ref: 7214-03
 Previous Items: CCD Nov 16 Item 12.13 (OCM15/323)
 Applicant: Community Safety and Crime Prevention Reference Group
 Author and Title: Kelly Shipway, Community Development Officer

Appendix 6

Purpose

To request Council approval of amendments to the Closed Circuit Television (CCTV) Strategy 2015 – 2018, as contained in **Appendix 6**, following the annual review carried out by the Community Safety and Crime Prevention Reference Group.

Background

The Closed Circuit Television (CCTV) Strategy is primarily a camera placement strategy, originally undertaken in 2013. A significant number of cameras have been installed as a result of the initial Strategy, which focused predominantly on the Pinjarra town site.

In 2015, the Strategy was reviewed to determine the future locations of the network, incorporating locations in outer lying areas following concerns raised by local residents.

The review was undertaken in liaison with the Shire's Information Technology Department, local Police and the Community Safety and Crime Prevention Reference Group (CSCPRG). Priority locations identified through the review process were then grouped into high, medium or low categories then subsequently ranked in priority order.

The Pinjarra Industrial Estate was ranked as the highest priority, followed closely by North Pinjarra (Carcoola Ave) and Dwellingup.

As issues and demand for CCTV placement change relatively quickly, a key action was included in the Community Safety and Crime Prevention Strategy 2016 – 2021, to review priority placement of CCTV cameras annually to reflect current community issues.

The Community Safety and Crime Prevention Reference Group reviewed the CCTV Strategy 2015 – 2018 at its 30 August 2016 meeting resulting in two proposed amendments.

Proposal

The Community Safety and Crime Prevention Reference Group reviewed the CCTV Placement Strategy in line with key actions outlined in the Community Safety and Crime Prevention Plan 2016 – 2021.

Following review, the group agreed that the following amendments to the CCTV Strategy 2015 – 2018 would assist with addressing current community issues:

- **Mobile CCTV trailer – High Priority (Rank 1)**
 A mobile CCTV camera was determined to be a top priority by the group. A mobile unit would allow coverage at the Pinjarra Industrial Area (where attracting funding has proved difficult) along with outlying areas where installation can be expensive. The group felt that a mobile unit would better address community needs as opposed to additional fixed cameras.
- **North Yunderup Deli – Low Priority**
 The North Yunderup Localised Plan has highlighted CCTV at the North Yunderup Deli as a priority for the area. The group agreed that a CCTV camera located at the North Yunderup Deli should be added to the CCTV Strategy to reflect the localised plan, but as a low priority, as crime rates are considered low in the area.

Murray 2025 Strategic Community Plan

Objective 3:	A connected, safe and inclusive community that provides for, and lobbies for accessible services for all residents
Outcome 3.4:	A safe Shire where residents feel secure
Strategy 3.4.3:	Continually promote safety initiatives both locally and in partnership with other agencies

Murray 2016-2020 Corporate Business Plan

Action 3.4.3.1:	Implement the Community Crime Prevention and Safety Plan
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Other Strategic Links

Shire of Murray Community Safety and Crime Prevention Strategy 2016 – 2021

Statutory Environment

Not Applicable

Policy Implications

Not Applicable

Sustainability and Risk Implications

Economic - (Financial impact to the community)

There is no economic impact when CCTV is located in residential areas, however when located in business districts it can assist indirectly due to business owners and managers relieved from managing insurance claims and addressing acts of crime. High security also ensures that businesses are attracted to the area, increasing overall economic growth of the Shire.

Social - (Quality of life to community and/or affected landowners)

CCTV cameras are one option to deter crime and assist Police. The presence of CCTV cameras can assist in making residents feel safe. This in turn improves quality of life for communities.

Environment – (Impact on environment's sustainability)

Not Applicable

Governance – (Policy implications)

Not Applicable

Overall Risk Management Consideration

The Strategy seeks to minimise the risk of having conflicting priorities to ensure the future direction of the CCTV network is clear, and able to be progressed when funding opportunities arise. A mobile CCTV may require additional risk management consideration due to transport and setup at each location. Safety and deployment rules will have to be established to mitigate risk.

CCTV can be expensive to implement, manage and maintain, and may be ineffective if installed for the wrong purpose or if supporting measures are not put in place. There are also privacy and legal issues that need to be considered prior to deployment.

One of the key actions in the Community Safety and Crime Prevention Strategy 2016 – 2021, is to develop a CCTV Operations Manual. The manual will provide clear delineation on roles and responsibilities to manage the network effectively and is due for completion in 2016.

Consultation

- Community Safety and Crime Prevention Reference Group
- Local Police

Resource Implications

Financial

The implementation of the Strategy will not have immediate implications on the budget, as funding is sourced to obtain and install cameras. Additional funding may need to be allocated in future budgets to support funding applications and for ongoing maintenance of additional cameras.

Workforce

Setting up the mobile CCTV trailer will require some initial training. Resources will be required to transport, setup and manage the mobile CCTV unit. Where additional cameras are installed, maintenance allocations for the CCTV network will be required to increase. Officer time is required to secure funding, quotes and implement new cameras. No additional permanent staff will be required to manage the increased network, however it should be noted that additional staff may be required in this area as the CCTV network increases.

Options

Council has the option of:

1. Supporting the amendment to the CCTV Camera Strategy.
2. Not supporting the amendment to the CCTV Camera Strategy.

Conclusion/Justification of Officer Recommendation

The updating of the CCTV Camera Strategy has allowed priorities to be reassessed to support future expansion of the current CCTV infrastructure. Shire of Murray residents are increasingly concerned about crime and an expanded network will assist to reduce crime and increase community safety and wellbeing.

There has been significant discussion based around the option of a mobile CCTV unit to address issues in the Shire and outlying areas. Local Police and the Community Safety and Crime Prevention Reference Group were in full agreement that as an option, a mobile unit would be the most effective way to implement CCTV across the Shire.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM16/263

Moved: Cr P Briggs

Seconded: Cr S Lee

That Council approves the amendments to the CCTV Camera Strategy 2015 – 2018 as detailed in Appendix 6, incorporating the following additions for future cameras:

1. include a mobile CCTV trailer as a high priority; and
2. include North Yunderup Deli as a low priority.

CARRIED UNANIMOUSLY 8:0

Technical Services

11.5 Shire of Murray Waste Local Law 2016

File Ref:	1/2156
Proponent:	Shire of Murray
Previous Items:	Nil
Author and Title:	Claire Ward, Coordinator Waste and Fleet Robert Marlborough Manager Governance

Appendix 7

Purpose

To seek Council support to commence the process make a new Local Law (*Shire of Murray Waste Local Law 2016*) under the *Waste and Resource Recovery Act 2007*, in accordance with the provisions of the *Local Government Act 1995*.

Background

Historically, waste has been regulated by local governments through Health Local Laws and the Shire's existing Health Local Law 1999 Part 4 Division 2 currently provides for the regulation of waste within the district however the existing provisions are dated and limited.

The introduction of the *Waste and Resource Recovery Act 2007* gave local governments the power to make local laws to deal specifically with waste when all relevant provisions under the *Health Act 1911* relating to waste were repealed.

Proposal

With the provisions under the *Health Act 1911* relating to waste being repealed it is no longer relevant to rely upon the waste provisions within the Shire's current Health Local Law and it is appropriate that a new local law be made to specifically deal with waste matter and subsequently repeal conflicting parts of the *Shire of Murray Health Local Law 1999*.

The purpose of the proposed local law is to clearly provide for the regulation, management and removal of waste in the district and to establish obligations that owners and occupiers of premises must adhere to regarding the use of receptacles, verge collections and entering a waste facility.

The proposed *Shire of Murray Waste Local Law 2016* presented to Council for consideration is based on the template developed by the Western Australian Local Government Association (WALGA), the Waste Authority, the Joint Standing Committee on Delegated Legislation and the Department of Local Government and Communities and is therefore likely to meet the expectations of the Joint Standing Committee.

Murray 2025 Strategic Community Plan

Objective 1:	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community.
Outcome 1.1:	A long-term, strategically focused Shire that is sustainable, respected and accountable
Strategy 1.1.3:	Ensure accountable, ethical and best practice governance to our district

Other Strategic Links

Nil

Statutory Environment

Section 3.12 of the Local Government Act 1995 refers to the procedure for making local laws.

Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date.

The process of adopting or amending a local law is set out in s3.12 of the *Local Government Act 1995* and is summarised in Table 1 below with further information provided following the table.

In addition, Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that:

“For the purpose of section 3.12, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.”*

The following fulfils the requirement defined in Regulation 3:

NOTICE of purpose and effect of the proposed *Shire of Murray Waste Local Law 2016*;

“The purpose of the proposed waste local law is to provide for the regulation, management and removal of waste in the district and to prescribe offences for contraventions of the local law.

The effect of making the proposed waste local law is that matters relating to the regulation, management and removal of waste in the district will be governed by local law unless otherwise provided in the Local Government Act or Regulations.”

Timetable

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Law <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	November 2016
Give Statewide and local public notice and make copies available to the general public	3.12(3) & 3(a)	November 2016
Closing date for submissions to be received (not less than 6 weeks)	3.12(4)	December 2016
Provide a copy of the proposed local law and the notice to the Minister for the Environment and the Minister for Local Government and Communities	3.12(3)(b)	November 2016

Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required)	3.12(4)	February 2017
Publish Local Law in Government Gazette and forward a copy to the Minister for the Environment and the Minister for Local Government and Communities	3.12(5)	February/March 2017
Give Statewide and local public notice advising that the new law has been made, the title, the purpose and effect and make copies available to the general public	3.12(6)	February/March 2017
<i>Note: Dates are a guide only</i>		

Section 3.12 of the *Local Government Act 1995* deals with the procedure for making local laws –

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and,
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed. * *Absolute majority required.*
- (6) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —

- (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Of relevance is s3.12(4), where a local law initially proposed is significantly different, section 3.13 applies and in this case the major amendments proposed are considered to enact section 3.13. Section 3.13 Procedure where significant change in proposal –

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Policy Implications

Not Applicable

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

Not Applicable

Social - (Quality of life to community and/or affected landowners)

Not applicable

Environment – (Impact on environment's sustainability)

Not applicable

Governance – (Policy implications)

Council policies are not impacted in this matter. The *Local Government Act 1955* provides processes for making local laws which are subject to legislative compliance and transparency by community consultation.

Overall Risk Management Consideration

The level of risk is considered to be low as the proposed Waste Local Law simply updates provisions already contained within the Shire's Health Local Law 1999.

Consultation

- Internal Review
- Western Australian Local Government Association

Resource Implications

Financial

The cost of making the proposed local law which includes advertising and gazettal is approximately \$2000. Funds are available in the 2016/17 Waste Budget.

Workforce

Nil

Options

Council has the option of:

1. commencing the process to make the proposed *Shire of Murray Waste Local Law 2016*;
or,
2. rejecting the proposal to make the proposed new local law.

Conclusion/Justification of Officer Recommendation

It is recommended that Council commence the process under the *Local Government Act 1995* to make the proposed *Shire of Murray Waste Local Law 2016* to provide for the regulation, management and removal of waste in the district and other consequential and related matters, as detailed in **Appendix 7**.

Voting Requirements

Simple Majority

At this time the presiding member **Cr M Reid** read out the 'NOTICE of purpose and effect' of the proposed *Shire of Murray Waste Local Law 2016*.

"The purpose of the proposed waste local law is to provide for the regulation, management and removal of waste in the district and to prescribe offences for contraventions of the local law.

The effect of making the proposed waste local law is that matters relating to the regulation, management and removal of waste in the district will be governed by local law unless otherwise provided in the Local Government Act or Regulations"

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM16/264

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council:

1. **approves for the making of the proposed *Shire of Murray Waste Local Law 2016*, as detailed at Appendix 7 in accordance with section 3.12 of the *Local Government Act 1955*; and,**
2. **approves for the proposed local law to be advertised in accordance with section 1.8 of the *Local Government Act 1995*; and,**
 - a) **to make copies of the proposed local law available to the general public with a submission period being open for a minimum period of 6 weeks;**
 - b) **to send copies of the proposed law to the Minister for Local Government, Minister for Environment and other Ministers, as required, and**

- 3. be provided with a further report on the proposed local law after the close of submissions to make a determination and formally make the Local Law by Absolute Majority in accordance with the provisions of the *Local Government Act 1995*.**

CARRIED UNANIMOUSLY 8:0

Items for Information

11.6 Delegated Decisions of Development Applications for October 2016

Delegated Decisions of Development Applications for October 2016 is attached for information.

Appendix 8

11.7 Delegated Decisions – Waiver of Fees and Charges period ending 31 October 2016

Delegated Decisions - Waiver of Fees and Charges 31 October 2016 is attached for information.

Appendix 9

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

Nil

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Notice of Motion to Rescind - Replacement Appliance – Coolup Volunteer Bush Fire Brigade

File Ref:	1816	
Previous Items:	OCM 23 June 2016	Item 15.1 (OCM16/144)
Previous Items:	OCM 13 Oct 2016	Item 10.1.1 (OCM16/225)
Proponent:	Cr David Bolt	

Cr A Rogers declared an impartiality interest in item 13.1 Notice of Motion to Rescind – Replacement Appliance – Coolup Volunteer Bush Fire Brigade in that she is a member of the Coolup Volunteer Bush Fire Brigade. **Cr A Rogers** remained in the meeting.

Cr C Rose declared an impartiality interest in item 13.1 Notice of Motion to Rescind – Replacement Appliance – Coolup Volunteer Bush Fire Brigade in that she is a member of the Coolup Volunteer Bush Fire Brigade. **Cr C Rose** remained in the meeting.

Officer Comment - Chief Executive Officer

Council has had ongoing dialogue with both its Chief Bush Fire Brigade Officer as well as the local community regarding the choice of fire truck.

At the Council meeting held on 23 June 2016, Council resolved to delegate the decision to select the Coolup appliance to the CEO under advice from the Bush Fire Chief and the Bush Fire Advisory Committee (BFAC). The aim of this resolution was to have both parties discuss and endeavor to reach agreement. This was not achieved

The matter was then referred back to BFAC to further consider either the 3.4 urban tanker or the 4.4 broad acre tanker which is the preferred Coolup Bush Fire Brigade appliance.

At the BFAC meeting held on 29 September it was recommended (vote 3-2 in favour with Shire officers and the Chair abstaining from voting) that the 3.4 urban tanker be supported, and Council on 13 October formally supported this recommendation in a vote of 5-4 with the Shire President casting her vote in favour of supporting the BFAC. This decision was made under advice from BFAC that it provides a fit for purpose effective response capability to

support not only the local Coolup community, but the district generally and the broader region.

A meeting of the Coolup Bush Fire Brigade and the local community was held at the Coolup Hall on 26 October with strong local support for Council to reconsider this decision.

Following a Notice of Motion being tabled at the Council meeting on 27 October, Council is now required to consider the Motions put by Cr Bolt.

Under the Shire of Murray Meeting Procedures Local Law (11.4 (1) (b) the proponent must provide a reason for the Rescission Motion.

Voting Requirements

Special Majority

COUNCILLOR RECOMMENDATION/COUNCIL DECISION:

OCM16/265

Moved: Cr D Bolt

Seconded: Cr W Barrett

Third Support: Cr A Rogers

That Council by Special Majority rescinds resolution number OCM16/225 made at the Ordinary Council Meeting held on 13 October 2016 that states the following:

That Council affirms continued support to procure an Isuzu crew cab 3.4U (Urban) fire appliance under the Local Government Grant Scheme to be operated by the Coolup Volunteer Bush Fire Brigade:

With the reason being: Council has had further community feedback including a petition which has made cause to have this decision reconsidered.

CARRIED 6:2

Following the result of voting, names were recorded as follows:

For: Crs A Rogers, C Rose, W Barrett, A Black, D Bolt, S Lee

Against: Crs M Reid, P Briggs

Voting Requirements

Absolute Majority

COUNCIL DECISION:**OCM16/266****Moved: Cr D Bolt****Seconded: Cr A Black****That:**

1. **Council seeks to procure an Isuzu 4.4B (Broad acre) fire appliance under the Local Government Grant Scheme to be operated by the Coolup Volunteer Bush Fire Brigade and advise the Department of Fire and Emergency Services (DFES) of the change to its current request for the 3.4U replacement appliance; and**
2. **an updated Resource to Risk (R2R) assessment be undertaken by the Shire Officers as soon as possible once the implementation of the Ferguson Review is completed or its detailed implementation plans are known and a report prepared and presented to Council for consideration at the earliest opportunity or not later than 18 months' time.**

CARRIED 5:3

Following the result of voting, names were recorded as follows:

For: Crs A Rogers, C Rose, A Black, D Bolt, S Lee

Against: Crs M Reid, P Briggs, W Barrett

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING

Nil

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**COUNCIL DECISION:****OCM16/267****Moved: Cr W Barrett****Seconded: Cr S Lee**

That Council proceeds behind closed doors the time being 9.36am as per Section 5.23(2)(d) of the Local Government Act for the purpose of considering confidential item 16.1.

CARRIED UNANIMOUSLY 8:0**16.1 Confidential - Land Asset Strategy Future Acquisition Proposal**

File Ref: CA03/20

Previous Items: N/A

Author and Title: Dean Unsworth, Chief Executive Officer

Purpose

To consider an opportunity before Council that would add significant benefit to Council's future planning.

Voting Requirements

Simple Majority

COUNCIL DECISION:**OCM16/268****Moved: Cr S Lee****Seconded: Cr A Rogers**

That Council Resolution OCM 16/268 (Confidential Item 16.1) as resolved behind closed doors remains confidential due to the commercially sensitive nature of the proposal.

CARRIED UNANIMOUSLY 8:0**COUNCIL DECISION:****OCM16/269****Moved: Cr A Rogers****Seconded: Cr P Briggs**

That Council proceeds with open doors the time being 9.41am.

CARRIED UNANIMOUSLY 8:0**17. CLOSURE OF MEETING**

There being no further business, the Presiding Member declared the meeting closed, the time being 9.41 am.