



Ordinary Council Meeting Minutes

Date: 16 September 2015

Please Note: These minutes and the decisions recorded therein have not as yet been confirmed by Council as a true and accurate record of the meeting.

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
16 SEPTEMBER 2015

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* Separate Attachments

- 9.1.1 *List of Payments Authorised Under Delegation 1.31*
- 9.1.2 *Statement of Financial Activity for Period Ended 31 August 2015*
- 9.1.4 *Letter/submission*
- 9.2.1 *Plans*

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 6.33pm.

I.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

CE Gardiner	-	Shire President / Presiding Member
TG Humphry	-	Deputy President
CD Hawkins	-	Councillor
DV Clydesdale-Gebert	-	Councillor
R Keamy	-	Councillor
MR Pond	-	Councillor
KM Seymour	-	Councillor
MR Holliday	-	Councillor
JW McLagan	-	Councillor

AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
PR Williams	-	Manager Development Services

PUBLIC

Ted Creegan	Max Lewis	Richard Crombie
John Barber	Louise House	David Riches
Bruce Crossley	Zoe-Anna Hoctor	Bradley Millstead
Jan Millstead	Brent Millstead	Len Mitchell
Colleen Mitchell	Arthur Tonkin	Lyn Barber
Adam Millstead		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. **PUBLIC QUESTION TIME**

Brad Millsteed

Will there be a drumMUSTER this year and where and when will it be?

Manager Development Services advised that it would be run again in the same location however the date has yet to be confirmed. He will take on notice and contact Mr Millsteed tomorrow.

Jan Millsteed

Thanked the Shire for its financial support in upgrades to the Watheroo Pavillion. Mrs Millsteed also noted that further support will be required to renew seating/tables and kitchen moving forward.

Shire President advised that issues around the pavilion upgrade can be discussed at the end of the meeting in the community would like.

Colleen Mitchell

Asked what the rules were surrounding horses on properties within the Watheroo townsite?

Manager Development Services advised that there are currently no local laws governing the keeping of large animals in the Shire of Moora. If the horses are creating a nuisance it would fall under the Health Act jurisdiction. Health local laws are being drafted and it is anticipated this local law will be finalised in the coming months.

Len Mitchell

Expressed concern about smell and flies as a result of the horses being kept on a property near his residential property in Watheroo. Mr Mitchell requested that the matter be followed up by Council management as a matter of urgency.

Shire President requested Mr Mitchell contact the Manager Development Services during office hours, it will be taken on notice.

David Riches

Watheroo Miling Road - is there more vegetation to be cleared?

Manager Engineering Services advised that works had started on the intersection however are awaiting an improvement in the weather before further works can commence.

Arthur Tonkin

Moore River close to flooding recently. Evidence of sediment, silt and debris impeding flow. Can the Shire please reconsider the Moore River and flood mitigation measures.

Shire President stated that approval had been given, conditionally...other things to consider are the costs, and evidence that work will mitigate the risk of flood.

Chief Executive Officer referenced a letter from the Department of Water for review on request. There are still differing opinions on the best measures to take or if any measures will help. Under strict supervision there may be some works we can do to the river bed but not the banks.

Brad Millsted

Upcoming Councillors election presentation was good – would have preferred if a current serving councillor remained for ongoing questions throughout the night. Congratulations to the outgoing councillors.

Zoe Hctor

Thanked the Shire for successful budget submissions this year.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Attended the following;

Shire President

21/8 Avon Midland Zone meeting, Dalwallinu

24/8 Innovation Central Midlands meeting, Council Chambers

Cr Pond

24/8 Moora Alcohol & Other Drug workshop, Moora Rec Centre

24/8 Innovation Central Midlands meeting, Council Chambers

Dowerin field day display

Cr Hawkins

Local Health Advisory Group meeting

Cr Clydesdale-Gebert

Dowerin field day display

Cr Humphry

St James Residential College board meeting

Dowerin field day display

Cr Holliday

9/9 Moora CRC meeting

Cr Seymour

Dowerin field day display

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 19 AUGUST 2015****COUNCIL RESOLUTION**

121/15 Moved Cr Humphry, seconded Cr Holliday that the Minutes of the Ordinary Meeting of Council held on 19 August 2015 be confirmed as a true and correct record of the meeting.

CARRIED 9 / 0

8.2 SPECIAL COUNCIL MEETING - 2 SEPTEMBER 2015**COUNCIL RESOLUTION**

122/15 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that the Minutes of the Special Meeting of Council held on 2 September 2015 be confirmed as a true and correct record of the meeting subject to inclusion of the following;

Apologies

Add in “Ian Seymour and Adam Martin”

Section 3 - Public Question Time

Add in

“Marion Seymour stated that she wished to ask a question in relation to a part of the Officer’s recommendation in Item 5.1.

Cr Gardiner responded advising that he would not allow questions in relation to that item”

CARRIED 9 / 0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 2 September 2015

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

123/15 Moved Cr Humphry, seconded Cr Keamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62053 to 62062</i>	<i>\$8,591.62</i>
	<i>EFT 14165 to 14278</i>	<i>\$1,365,741.97</i>
	<i>Credit Card 15/07/15 to 16/08/15</i>	<i>\$8,170.68</i>
	<i>Net Pays – PPE 11/08/15</i>	<i>\$87,963.33</i>
	<i>Net Pays – PPE 25/08/15</i>	<i>\$87,303.21</i>
<i>Trust Fund</i>	<i>Cheques 5107 to 5112</i>	<i>\$1,602.57</i>
<i>Total</i>		<i><u>\$1,559,373.38</u></i>

CARRIED 9 / 0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2015

REPORT DATE: 10 September 2015

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 August 2015

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 August 2015.

BACKGROUND:

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

COMMENT:

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2015/16 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

124/15 Moved Cr Hawkins, seconded Cr Holliday that Council notes and receives the Statement of Financial Activity for the period ended 31 August 2015.

CARRIED 9 / 0

9.1.3 PROPOSED CBH MOBILE SAMPLING UNIT

FILE REFERENCE: AN/CBH1-2

REPORT DATE: 9 September 2015

APPLICANT/PROPONENT: Cooperative Bulk Handling

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To consider a request from CBH seeking Council support to establish a Mobile Grain Sampling Unit (MSU) at Round Hill. To that end an onsite meeting was arranged attended by Councillors and farmers of that area Cr Gardiner, Cr Keamy and Cr Seymour

BACKGROUND:

CBH have approved the facility to be located at Round Hill off the Moora Miling Road. Subsequent to the discussions onsite it was verbally agreed that it would perhaps be better to situate the MSU at Bindi Bindi as against Round Hill. Councillors present expressed concern regarding additional trucks on the Moora Miling Road and Round Hill suitably in terms of turning off the Moora Miling Road into the MSU and then turning back onto the Moora Miling Road when exiting the site.

The reason CBH is suggesting an MSU is to try and speed up the grain delivery process at the Moora Grain Reveal Site. In effect the trucks would be speared and sampled at the MSU and then subject to getting clearance that truck would be issued with a “certification” that would enable that delivery to bypass sampling in Moora and go straight to the weighbridge, and then to the grid to off load the grain ultimately speeding up the delivery process. CBH did comment the MSU is most effective when delivering barley and grains that experience some degree of segregation across various delivery sites.

The MSU would be staffed by 1 to 2 CBH employees dependant on the amount of patronage by grain growers.

COMMENT:

At the conclusion of discussions the author advised the delegation that a report would be put before Council “recommending in-principle agreement” for CBH to establish a MSU at Bindi Bindi as against Round Hill on a trial basis.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Not applicable

STRATEGIC IMPLICATIONS:**Outcome 3.3: A safe and reliable transport system.**

Strategy 3.3.1: Maintain and further develop roads, bridges and footpaths at appropriate standards.

Strategy 3.3.2: Lobby the State Government for the development of a Moora ring road.

Strategy 3.3.3: Lobby for upgrading and retention of rail infrastructure for the transport of bulk commodities.

Strategy 3.3.4: Upgrade the Moora airfield in partnership with the State government.

Strategy 3.3.5: Advocate for continued investment to upgrade the Great Northern Highway and the Bindoon-Moora Road.

Transport of grain is the key strategic transport issue within the Shire of Moora and surrounding grain growing districts. The sole reason for CBH mooted a MSU within the Shire of Moora is to provide a more efficient and effective grain delivery system across the network.

A concern outlined by Councillors at the onsite discussion was the preference to try and keep as much heavy haulage on the National and State Roads i.e. Great Northern Highway and Midlands Road respectively as against the Moora Miling Road.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

There are no known significant economic implications associated with this proposal

➤ Social

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

FINANCIAL IMPLICATIONS:

Aside from the more holistic issues around grain delivery and the road and rail issues there are not any specific financial implications for Council in consideration of this request. The real unknown around this issue is what the future holds for the Miling Bolgart rail line and indeed the level of future investment into the Miling Grain Reveal Site. These two issues alone will potentially impact significantly on the road network that leads to the Moora grain Reveal Point. The other issue is the level of grain handling charges set for the various grain reveal sites across the Shire.

SUMMARY:

The author believes Council on behalf of its rural constituents should embrace initiatives such as these if it assists in bettering grain handling practices and creates a more efficient and effective delivery system. There will always be some conjecture as to which location would be best suited for a MSU, however on the basis of feedback to CBH from Cr's Gardiner, Keamy and Seymour the preference was Bindi Bindi. The author is of the view that CBH prefer the Round Hill site, however they are prepared to trial the Bindi Bindi Site if the MSU proceeds.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

125/15 Moved Cr Seymour, seconded Cr Hawkins that Council support the installation of a Mobile Grain Sampling Unit at Bindi Bindi by CBH for the forthcoming harvest on the premise of;

- ***Ease Congestion at Moora, Miling, and Piawaning Sample Sheds;***
- ***Provide growers options to go to other sites;***
- ***Provide growers with knowledge as to what they have on board before going to other sites;***
- ***Avoid queuing at Sample sheds;***
- ***Reduce downtime.***

CARRIED 9 / 0

9.1.4 CENTRAL MIDLANDS SPEEDWAY ASSOCIATION INCORPORATED – 2016 NATIONAL PRODUCTION SEDAN TITLE

FILE REFERENCE: CC/CSP1

REPORT DATE: 10 October 2015

APPLICANT/PROPONENT: Joe Fitzpatrick, President - CMSA

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Letter/submission

PURPOSE OF REPORT:

Council to consider a request for financial assistance from the Central Midlands Speedway Association Incorporated (CMSA) associated with the upgrade of the Moora Speedway Barrier Fence.

BACKGROUND:

The Central Midlands Speedway Association Incorporated are hosting the National Production Sedan Title in Moora on the long weekend in March 2016. The event will bring many hundreds of people to Moora providing a very good opportunity for the Shire of Moora to showcase what the community has to offer. That same weekend the Moora Swimming Club is also hosting the 2016 W.A Country Pennants so the town will certainly be a buzz with many visitors.

COMMENT:

As part of planning the event the CMSA have received advice they need to upgrade the majority of the wire barrier fence around the track. To that end they have embarked upon a grant seeking exercise as outlined in the correspondence. The projected cost is estimated to be \$12,000 with an estimated \$4,000 hopeful to be obtained in grant funding leaving an estimated cash shortfall of \$8,000.

As part of the proposed project the CMSA members will be erecting the new fence as their contribution estimated to be valued at \$8,500.

POLICY REQUIREMENTS:

Not applicable

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 and Financial Management Regulations 1996

STRATEGIC IMPLICATIONS:**Outcome 4.3: Recognition and realisation of local tourism opportunities.**

Strategy 4.3.1: Support initiatives to build and strengthen local and regional tourism.

Strategy 4.3.2: Provide appropriate infrastructure and services to support tourism.

Strategy 4.3.3: Promote tourism products including heritage walks and wildflower route.

Strategically this event is one of the more major events to come to Moora in the past decade or so. Council has certainly flagged its strong intention to rebrand itself in the forthcoming months and this Speedway National Title Event will most certainly provide a fantastic opportunity for Council to capture an audience with a fairly modest investment.

All small clubs in the regions rely on an energetic base of volunteers and the CMSA are certainly no different. The Moora Speedway itself has been in transformation for a number of years and now has positioned itself as one of the major regional tracks in regional W.A and indeed nationally hence the opportunity of hosting a national title.

The author is of the view the status of the event most certainly lends itself to a positive response from the Shire of Moora as this event certainly will facilitate and provide opportunity for Council to engender positive marketing exposure and economic benefit.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

The economic benefit to the local economy over the course of this weekend is expected to be massive. Accommodation and hospitality will very much be at a premium.

➤ Social

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

FINANCIAL IMPLICATIONS:

Council has been requested for a contribution of \$8,000. Given the level of past investment into the Moora Speedway by the local committee over the past couple of years the author is of the view that Council would be well justified in supporting the CMSA in their effort in finalising their plans and infrastructure for the March 2016 National Title event.

The CMSA did in fact have to pay \$16,000 up front to bring the event to Moora, so notwithstanding the infrastructure improvements they have undertaken and propose to continue they have invested heavily into this event.

SUMMARY:

The opportunity of hosting a national event such as this in Moora doesn't come to pass very often. With such a wide audience expected and patronage of the event from across the nation I am of the view that Council is well justified should it accede to the funding assistance request from the CMSA.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

126/15 Moved Cr Humphry, seconded Cr Holliday that Council accede to the request of the Central Midlands Speedway Association Incorporated for a contribution of \$8,000 toward barrier fencing renewal as part of the Moora Speedway upgrade in preparation to host the 2016 National Production Sedan Title in March 2016, on the basis of promoting and marketing the brand of “Moora” and recognising the significant economic benefit that will flow into the Moora Community as a result of hosting a National Sporting event, further that Councils budget be amended accordingly.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.1.5 PROPOSED POLICY – AUDIO RECORDING OF COUNCIL MEETINGS – PURCHASE OF AUDIO RECORDING EQUIPMENT**FILE REFERENCE:** PL/POPI**REPORT DATE:** 10 September 2015**APPLICANT/PROPONENT:** Alan Leeson, Chief Executive Officer**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Chief Executive Officer, Alan Leeson**ATTACHMENTS:** Nil**PURPOSE OF REPORT:**

Council to consider introducing audio recording of Council Meetings to assist in the preparation of the Council minutes, ensure decision are accurately recorded and verify the accuracy of minutes prior to their confirmation.

BACKGROUND:

Council has at different times has discussed the need or benefits of audio recording Council meetings. More recently it came to somewhat of a head when the Minutes of a Special Meeting of Council 24 June 2015 required amending. It was difficult to ascertain if in fact a clause in the resolution of that meeting minute “87/15” did include a “clause G”. In the end it turned out there was a clause “g” however it took some time and investigation to establish this. Had there been audio recording it would have been a very simple process to actually verify the accuracy of the minutes.

In the authors view it is certainly incumbent of Council to ensure that the best systems are in place to assist in preparation of minutes and ultimately their accuracy. To that end the following policy is recommended for adoption;

POLICY - AUDIO RECORDING OF COUNCIL MEETINGS

Purpose

To provide an audio recording of meetings of Council to assist in the preparation of the minutes, ensure decisions are accurately recorded and verify the accuracy of minutes prior to their confirmation.

Definitions

“Act” means – *Local Government Act 1995*

“Administration Regulations” means - *Local Government (Administration) Regulations 1996*

“CEO” means – Chief Executive Officer

“Transcript” means – a transcript of the proceedings of a Council meeting.

Background

The Council has resolved to record meetings of Council to assist in the preparation of the minutes of those meetings, to ensure that decisions are accurately recorded and to verify the accuracy of minutes prior to their confirmation. This policy is to guide the implementation of that decision and to describe how the recordings will be used and made available.

Preamble

Local Government (Administration Regulations) 1996 r. 11 requires that:

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) details of each decision made at the meeting; and*
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and*
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.*

While not a requirement of the Act or the Administration Regulations, audio recording of Council meetings is now common practice in WA local governments. The main purpose of audio recording is to assist in preparation of meeting minutes.

Audio recordings are considered “temporary” records of the Shire as their main purpose is to assist in the preparation of minutes. The official record of the meeting is not the audio recording, but the meeting minutes, which require confirmation by Council resolution and must be signed by the person presiding at the meeting.

Policy

All meetings of Council shall be audio recorded, consistent with the objectives of s 1.3 (2)(c) of the Act, which promotes greater accountability of local governments to their communities. This includes where Council has resolved to close the meeting to members of

the public in accordance with s 5.23 of the Act except where Council has resolved to not audio record such proceedings.

Access

Employees

In accordance with the CEO's recordkeeping functions under section 5.41(h) of the Act, the CEO is to have access to the audio recordings and may authorise any other employee to have access.

Elected Members

An elected member may request from the CEO a copy of a recording at no cost and the copy will be emailed to the Member within 10 working days of the CEO receiving the request.

Members of the Public

Copies of the audio recordings shall be made available to members of the public in a "listen only" capacity accessible via the Shire website and Library Service with recordings being available 10 working days following the relevant Council meeting.

The Chief Executive Officer at his absolute discretion may release or withhold all or part of the audio recording of any Council meeting.

Audio recordings of Public Question Time will not be released for public access.

Transcription

Recordings will not be transcribed unless the CEO or Council by resolution determines otherwise.

Where a transcript has been sought by an elected member or a member of the public, and approval has been given by the CEO or the Council, the full cost must be met by the applicant with an upfront payment as provided for in the Fees & Charges Schedule with any further outstanding costs being paid prior to the release of the transcript. External resourcing may be utilised to produce the transcript.

Storage

Recordings and transcripts must be stored in accordance with the *State Records Act 2000*.

The General Disposal Authority for Local Government Records (ref. 25.1.3) states that audio recordings of council meetings must be destroyed one year after confirmation of minutes.

Signage

Clear signage is to be placed on the entrances to the Council Chamber advising members of the public that the meeting is being recorded.

Public Notice

At the commencement of each Council meeting, the person presiding will publicly announce that the meeting will be audio-recorded.

COMMENT:

As Council is well aware Local Government is under far more scrutiny that it has ever been. This policy will mitigate risk of confusion over accuracy of resolutions of Council passed at its Council meetings. If necessary it will enable staff to call on the recording to verify minute detail if required rather than relying on "supposition" which has occurred from time to time.

POLICY REQUIREMENTS:

No current policy in place.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Freedom of Information Act 1992

Local Government (Rules of Conduct) Regulations

Standing Orders – Local Law

STRATEGIC IMPLICATIONS:**Outcome 5.1: Good governance and leadership.**

Strategy 5.1.1: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

Strategy 5.1.2: Represent and promote the Shire in Regional, State and National forums.

Strategy 5.1.3: Promote collaboration with other Councils on a local and regional level.

Strategy 5.1.4: Support strategic alliances, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

Strategy 5.1.5: Develop and implement a community engagement and communication strategy.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

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

➤ **Economic**

There are no known significant economic implications associated with this proposal

➤ **Social**

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

FINANCIAL IMPLICATIONS:

The estimated cost of a recording system is in the vicinity of \$12,807 plus GST. This is from a Company that is on the WALGA Preferred Suppliers Panel.

SUMMARY:

The audio recording of Council meetings in the authors view to ensure transparency enhanced and the governance responsibility of Council and management is strengthened.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

127/15 Moved Cr McLagan, seconded Cr Clydesdale-Gebert that Council;

- 1. Amend its 2015/2016 municipal budget to include the purchase of a suitable “Audio Recording System” at a cost not exceeding \$13,000 plus GST;**
- 2. Adopt Policy 3.10 “Audio Recording of Council Meetings” for inclusion in the Policy Manual.**

CARRIED BY ABSOLUTE MAJORITY 6 / 3

9.2 DEVELOPMENT SERVICES

9.2.1 W & J CARTER – NEW SHED

FILE REFERENCE: TP/PA12/1516

REPORT DATE: 7 September 2015

APPLICANT/PROPONENT: Wylie & Jessica Carter

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

An application has been received from Wylie & Jessica Carter (Proponents) to construct a steel framed and clad 6.0m x 9.0m shed on the rear of their property located at Lot 312/105 Melbourne Street, Moora.

BACKGROUND:

Lot 312/105 Melbourne Street Moora is located in the Residential Zone in the Moora Townsite and has an R Code of 12.5 rating on the property. The proposed shed is to be used for storage purposes and is the only outbuilding on the property so it meets the requirements of Councils Policy Maximum size of out buildings.

The shed meets Council requirements in that it is not oversized and the finished Floor Level of the shed will have to be in accordance with Department of Water requirements.

COMMENT:

Council has discretion to consider a minimum Finished Floor Level less than 300mm above the March 1999 flood levels where the Local Government determines that:

- (i) The non-habitable buildings and structures are ancillary to a dwelling on the same lot inclusive of a car port, garage, patio, pergola, gazebo and outbuilding.

As mentioned above the shed meets Councils requirements including policy on oversized outbuildings. It is recommended that Council uses its discretion to allow for a reduced Finished Floor Level of 0.15metres above the 1999 March flood levels.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

128/15 Moved Cr Hawkins, seconded Cr McLagan that Council approve the application by Wylie and Jessica Carter to construct a steel framed and clad 9.0m x 6.0m shed for the purpose of storage on their property located at Lot 312/105 Melbourne Street, Moora, subject to the following conditions:

- 1. That the shed is not constructed out of second hand materials;*
- 2. The shed is not used for the purpose of habitation;*
- 3. This is not an approval for construction; a Building Application is required to be submitted to the shire for approval by the Shire's Building Surveyor.*
- 4. Council uses its discretion to allow for a reduction in the height of the Finished Floor Level to 0.15m above the 1999 March Flood Level requirements instead of the required 300mm above the 1999 March Flood Level requirements.*

CARRIED 9 / 0

9.3 ENGINEERING SERVICES

9.3.1 CALLING OF TENDERS - EXCAVATOR

FILE REFERENCE: L/TEPI

REPORT DATE: 9 September 2015

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Approval for the calling of tenders as per council's policy manual.

BACKGROUND:

On the budget this year council has made provision for the purchase of an excavator c/w tree mulcher head to assist with our roadside maintenance programme.

COMMENT:

It has been identified that to improve our roadside maintenance, particularly where we have a lot of vegetation regrowth along our roads, that we needed a machine that could provide us with the capability of mulching or removing this material. In previous years we engaged a contractor for this work but due to the expense of hiring and only being able to cover a few roads in the shire that it would be more economical to have our own. This machine will, on many occasions work independently, as most roads need this type of attention. Wholesale clearing is no longer approved by the Department of Environmental Regulation.

POLICY REQUIREMENTS:

Council Policy 9.12 – Purchasing and Procurement

Adopted by Council 15th March 2000

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry with the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”** After some detailed analysis Management are of the firm view that notwithstanding Councils Plant Replacement Program, the repairing of the grader given its age and working hours does not represent good value for money.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995- Division 6 (section 8)

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* **Absolute majority required.**

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Identifying the need to carry out councils own roadside maintenance via the purchase of an excavator complete with a mulcher head will be a wise step forward in helping manage our risk. It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program. However, the delaying of a grader replacement this year and the purchase of the excavator is seen to be a progressive way forward in dealing with our road maintenance obligations.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

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

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

FINANCIAL IMPLICATIONS:

Council has budgeted for the purchase of this machine within the current budget.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

129/15 Moved Cr Seymour, seconded Cr McLagan that pursuant to Regulation 11 (1) Local Government (Functions & General) Regulation 1996, Council authorises the calling of tenders for the supply and delivery of one only 21 tonne (approximately) excavator complete with mulcher head which is budgeted for in the 2015-16 financial year, by using WALGA's E-Quote system.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.3.2 CALLING OF TENDERS – MICRO SURFACING TOWN STREETS

FILE REFERENCE: L/TERI-2

REPORT DATE: 9 September 2015

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: John Greay, Manager Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Approval for the calling of tenders as per council's policy manual.

BACKGROUND:

Some years ago (at least 20 years) council carried out slurry sealing of some of their streets near both the Moora Primary School and Central Midlands High School with good results. This type of application provides a much smoother surface to travel on and thus a quieter environment.

COMMENT:

As time has passed and technology has improved there have been advancements in this type of pavement surfacing. Micro Surfacing now provides a number of benefits over slurry sealing and is seen as a way forward in preserving town pavements.

POLICY REQUIREMENTS:**Council Policy 9.12 – Purchasing and Procurement**

Adopted by Council 15th March 2000

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora
- Offering competitive prices the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry with the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

In terms of Councils existing policy the most relevant and critical reference at this juncture is; **“The Shire has a responsibility to achieve value for money in its procurement of goods and services.”**

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995- Division 6 (section 8)

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

* **Absolute majority required.**

STRATEGIC IMPLICATIONS:

Strategically the improvement to some town streets in preserving the pavement with micro surfacing will see the life expectancy, of such, increase significantly.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Council has budgeted, within their road programme, for the application of micro surfacing to some of the town streets in Moora this financial year.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

130/15 Moved Cr Hawkins, seconded Cr Pond that pursuant to Regulation 11 (1) Local Government (Functions & General) Regulation 1996, Council authorises the calling of tenders for the micro surfacing of town streets within the Townsite of Moora as per the 2015-16 budget.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

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

Council brought forward from the prior Briefing Session two motions put forward by Cr Hawkins;

10.1 CENTENARY PARK AND SURROUNDS

COUNCIL RESOLUTION

131/15 Moved Cr Hawkins, seconded Cr McLagan that the Shire of Moora consult and collaborate with community groups to upgrade the environs of Centenary Park, so that:

- *The train engine is restored and made safe; otherwise removed;*
- *Surrounds are suitable levelled and pathways made safe in order to allow for required disability access in accordance with relevant standards;*
- *Historical and commemorative plaques are restored, replaced, or concrete stands removed where this is not possible;*

- *Toilet doors fixed to close automatically;*
- *Sewer infrastructure is examined with a view to mitigating odour.*

CARRIED 9/0

10.2 STREET SWEEPING

COUNCIL RESOLUTION

132/15 Moved Cr Hawkins, seconded Cr Clydesdale-Gebert that the Shire of Moora assess the economics of the current street sweeping program, compared with owning and operating its own street sweeper of appropriate capacity.

CARRIED 9/0

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

The Chief Executive Officer tabled an item of urgent business titled ‘Ted Crockford – Home Business’ for Councils consideration.

COUNCIL RESOLUTION

133/15 Moved Cr McLagan, seconded Cr Hawkins that Council considers the item of urgent business as tabled by the Chief Executive Officer titled ‘Ted Crockford – Home Business’.

CARRIED 9 / 0

11.1 TED CROCKFORD – HOME BUSINESS

Cr Clydesdale-Gebert declared a financial and proximity interest to the item as the applicant is a tenant of the Councillor currently at 68 Padbury Street, Moora and left the meeting at 7.38pm

FILE REFERENCE: TP/PA13/1516

REPORT DATE: 14 September 2015

APPLICANT/PROPONENT: Ted Crockford

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

An application has been received from Mr Edward (Ted) Crockford to operate a Home Occupation (office) for his business Central Midlands Realty from his home at Lot 2003/50 Atbara Street, Moora.

BACKGROUND:

A Home Occupation is a “D” use in the Councils Zoning Table located in Councils Town Planning Scheme No 4 (Amendment 10). Council’s Home Occupation & Home Business Policy definition of a Home Occupation:-

'Home Occupation' means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

Mr Crockford currently runs his business from his office in 68 Padbury Street, Moora (Town Centre) and is seeking approval move the business to operate from his home at 50 Atbara Street, Moora. Mr Crockford advises that there customers visiting his house very infrequently associated with contracts/sales. There will be minimal impact, if any at on residential amenity given there would not be more client cars parked other than what one would normally expect with residential use.

His premises located at Lot 2003/50 Atbara Street, Moora is located in the Residential Zone.

POLICY REQUIREMENTS:

Home Occupation & Home Business Policy.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

134/15 Moved Cr Pond, seconded Cr Hawkins that Council approve the application by Mr Edward (Ted) Crockford to operate a Home Occupation Central Midlands Realty (Property Management and Sales) from his home located at Lot 2003/50 Atbara Street, Moora subject to the following conditions:

- (a) does not employ any person not a member of the occupier's household;***
- (b) will not cause injury to or adversely affect the amenity of the adjacent residential neighbourhood;***
- (c) does not occupy an area greater than 20 square metres;***
- (d) does not display a sign exceeding 0.2 square metres;***
- (e) does not involve the retail sale, display or hire of goods of any nature;***
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling.***

CARRIED 8 / 0**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****COUNCIL RESOLUTION**

135/15 Moved Cr McLagan, seconded Cr Pond that the meeting move behind closed doors to discuss item 12.1, 'Finalisation of Chief Executive Officer's Performance Review' as it is a matter affecting an employee pursuant to Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 8 / 0**12.1 FINALISATION OF CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW**

Chief Executive Officer, Alan Leeson declared a financial interest in the item as it relates to his performance review/remuneration package and left the meeting at 7.40pm

All staff and public present also left the meeting at 7.40pm and the meeting moved behind closed doors. Cr Clydesdale-Gebert rejoined the meeting.

Provided to Councillors under confidential cover.

COUNCIL RESOLUTION

136/15 Moved Cr McLagan, seconded Cr Pond that;

- 1. Council congratulates the CEO for achieving an excellent outcome in the 2015 Performance review.***

2. ***Council accepts the 2015 Review Survey Document as a true reflection of the Council's view of the CEO's performance for the period under review.***
3. ***Council authorises the CEO to upgrade his CEO Motor Vehicle to a Series 200 Toyota Landcruiser when the vehicle is next changed over noting that the remuneration package is within the parameters of Band 3 of the Salaries and Allowances Tribunal Determination 17 June 2015 set by the Salaries and Allowances Tribunal Total Reward Package Range (\$154,045 - \$252,917) with an increase in the annual package value of the vehicle of \$7,805 per annum increasing the annual motor vehicle value to \$26,555 and the overall remuneration package to \$226,055***
4. ***Council and the CEO adopt the KPIs for the 2015/2016 financial year as detailed to Council in the report prepared by FitzGerald Strategies.***
5. ***That the parameters of the Remuneration Package (excluding annual Consumer Price indexation of Salary) be set as negotiated (Performance Review 2015) until the performance review of July/August 2017.***

CARRIED 9 / 0

REOPENING OF MEETING TO THE PUBLIC

COUNCIL RESOLUTION

137/15 Moved Cr McLagan, seconded Cr Hawkins that the meeting move out from behind closed doors and reopen to the public.

CARRIED 9 / 0

At 7.45pm the meeting reopened and the officers and public rejoined the meeting.

Prior to closing the Shire President expressed his thanks and appreciation to outgoing Councillors Hawkins and McLagan for their service to the communities in the Moora Shire during their office as a member of the Council of the Shire of Moora.

Cr McLagan responded to Cr Gardiner's expression of appreciation in the appropriate manner.

13. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 7.49pm.

CONFIRMED

PRESIDING MEMBER