



SHIRE OF WANDERING

MINUTES OF THE ORDINARY COUNCIL MEETING

**Wandering Shire Council Chambers, 22 Watts Street,
Wandering**

**16 November 2017
3.30pm**

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SHIRE OF WANDERING ORDINARY MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Wandering will be held on 16 November 2017 at Shire of Wandering Council Chambers, 22 Watts Street, Wandering. Commencing at 3.30 pm

The business to be transacted is shown in the Agenda.

Amanda O'Halloran
CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wandering warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during a Council meeting.

Ordinary Council Meeting

1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The Shire President, Cr B Whitely declared the meeting open at 3.28pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:

Cr B Whitely	President
Cr C Ferguson	Deputy President
Cr M Watts	
Cr G Parsons	
CR J Price	
Cr I Turton	

Staff:

Ms A O'Halloran	Chief Executive Officer
Mrs H Mark	Administration Officer

Visitors:

Nil

Apologies:

Nil

On Leave of Absence:

Nil

3. DISCLOSURE OF INTERESTS

Nil

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (*updated 13 March 2000*)

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL – 26 OCTOBER 2017

ATTACHMENT 6.1.1

COUNCIL DECISION – ITEM 6.1

MOVED: Cr Turton

SECONDED: Cr Ferguson

That the minutes of the Ordinary Meeting of Council held on 26 October 2017, be confirmed as a true and accurate record.

CARRIED 6/0

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9. REPORTS OF COUNCILLORS/COMMITTEES

Nil

10. REPORTS OF OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2017

FILE REFERENCE: 1.1.29.1

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 1 NOVEMBER 2017

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Helen Mark, Administration Officer

NATURE OF COUNCIL'S ROLE IN THE MATTER:

Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

PURPOSE OF THE REPORT

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of October 2017.

BACKGROUND

Council has authorised the updated delegations register at the July 2016 Ordinary Meeting of Council. The procedure associated with the register is to report to Council the activities or actions that have been performed under the Delegated Authority. A report will be completed for Council at each meeting that identifies (1) use of the Common Seal, and (2) actions performed under the Delegated Authority requiring referral to Council as per the Shire of Wandering Delegated Authority Register 2016.

COMMENT/ DETAILS

Actions performed under delegation during October 2017 are provided below:

- **Food Stall Holders Licence:**
Nil
- **Planning Approval:**
Nil
- **Building Licences Issued:**
Nil
- **Health:**
Nil
- **Payments:** Payments made from the Municipal Account as per financial report attached at 10.4.1 of this Agenda.

CONSULTATION

Planning and Building Specialists Shire of Kalamunda
Environmental Health Officer

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995 Section 9.49A

POLICY IMPLICATIONS

Affixing the Shire of Wandering Common Seal Policy
Shire of Wandering Delegations Register 2016
Purchasing and Tendering Policy

FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2017/18 Annual Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent.

Strategy 5.2.2: Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of October 2017.

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Watts

SECONDED: Cr Ferguson

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of October 2017.

CARRIED 6/0

10.1.2 ANNUAL REVIEW AND ENDORSEMENT OF DELEGATED AUTHORITY REGISTER & COUNCIL APPROVED AUTHORISATIONS

FILE REFERENCE: 1.1.29

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE OF REPORT: 5 November 2017

PREVIOUSLY BEFORE COUNCIL: Nil

AUTHORS NAME & POSITION: Amanda O'Halloran, Chief Executive Officer

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

PURPOSE OF THE REPORT

The Delegations and Council Approved Authorisations Register is required to be reviewed once each financial year to comply with the Local Government Act 1995. This report seeks the Council's consideration in reviewing and adopting certain delegations of authority that permit officers to perform functions within a prescribed parameter.

BACKGROUND

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.

Without delegated authority, most decisions of the Shire would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub – delegate these to other staff if appropriate. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.

The Local Government Act 1995 (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by the Council's instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have reviewed the delegations and this report requests the Council to review the reviewed delegations as submitted by officers.

COMMENT/DETAILS

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are still necessary. Although the provisions of the Local Government Act 1995 do not affect delegations made under other legislation, it is also considered an appropriate time to review those delegations.

"Delegated Authority" refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he/she feels appropriate.

The 2017 Delegated Authority Register for the Shire of Wandering is attached. This attachment provides specific detail as to the extent of each delegation. All Delegations have been reviewed by appropriate Staff and the CEO and any suggestions or Act revisions have been included.

The review process was undertaken by the CEO and given the extensive work that has been undertaken over the last 3 years, the main amendments recommended are fine tuning of the existing delegations. A listing of all Council Delegations is provided as an attachment with notes identifying any specific change to a delegation.

The following changes and additions are proposed:

"Minor Changes" refers to edits that has occurred in relation to revised positions in the organisation, changes to review dates and statutory reference updates, these changes have occurred in most instances.

Removal from the register:

Delegation	Proposed Changes
DA06-16 Appointment of Nominated Shire Officers as authorised Officers under the Food Act 2008	Removal of Delegation – consolidated into Public Health Delegation
DA06-17 Issue Prohibition Orders	Removal of Delegation – consolidated into Public Health Delegation
DA06-18 Certificates of Clearance	Removal of Delegation – consolidated into Public Health Delegation

The following Council Delegations are proposed for inclusion:

Delegation	Description
DA 06-16 Public Health	Consolidates individual delegations to the Food Act and Health Act and incorporates changes made to the Public Health Act 2016.
DA 06-17 Illegal Dumping and Noise	This is a new addition as it has been overlooked previously.
DA06-24 Emergency Management	This is a new addition as it has been overlooked previously.

ATTACHMENTS 10.1.2.1, 10.1.2.2 &10.1.2.3

CONSULTATION

Relevant Staff and Contractors reviewed their respective delegations and each was checked for accuracy.

STATUTORY/ LEGAL IMPLICATIONS

The following section of the *Local Government Act 1995* applies:

Section 5.42 Delegation of some powers and duties to the CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –

- a. this Act other than those referred to in section 5.43; or
- b. the Planning and Development Act section 214(2), (3) or (5).

*Absolute Majority required.

Section 5.43 Limits on delegations to CEO

Section 5.44 CEO may delegate powers and duties to other employees

Section 5.46. Register of, and records relevant to, delegations to CEO and employees

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent

Strategy 5.2.2: Ensure that the organisation's governance structure, policies and procedures are current and relevant

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council adopt the Delegations Register as per **ATTACHMENT 10.1.2.1** and the Council Approved Authorisations Register as per **ATTACHMENT 10.1.2.2** of this agenda and minutes.

COUNCIL DECISION – ITEM 10.1.2

MOVED: Cr Price

SECONDED: Cr Parsons

That Council adopt the Delegations Register as per **ATTACHMENT 10.1.2.1** and the Council Approved Authorisations Register as per **ATTACHMENT 10.1.2.2** of this agenda and minutes.

CARRIED 6/0

10.1.3 ORDINARY MEETING OF COUNCIL – SCHEDULE OF MEETING DATES, TIMES AND LOCATION FOR 2018

FILE REFERENCE: 1.4.1

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 31 October 2017

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Amanda O’Halloran, CEO

NATURE OF COUNCIL’S

ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

PURPOSE OF THE REPORT

It is a requirement for Council to adopt the schedule of meeting dates, times and location for all Ordinary Meetings of Council each year. The following have been submitted to Council for approval:

- Schedule of Ordinary Meeting of Council dates, times and location.

BACKGROUND

Council traditionally holds its Council meeting on the third Thursday of the month. This tradition has been maintained in the dates set out below. Times have been reviewed in the last 12 months, and the 3.30pm timeslot appears to support the ability to undertake Councillor training and discussion sessions prior to the meeting.

COMMENT/ DETAILS

Suggested dates are outlined in the table below. It is suggested that there is no planned meeting for January 2018, if there is important business arising the CEO or Shire President will call a special meeting to consider those matters.

The December 2018 meeting be scheduled for the second Thursday (13 December 2018) to best accommodate the Christmas and New Year period.

The proposed schedule is set out below.

DATE	LOCATION	TIME
Thursday, 18 January 2018	No meeting Planned	
Thursday, 15 February 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 15 March 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 19 April 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 17 May 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 21 June 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 19 July 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 16 August 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 20 September 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 18 October 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 15 November 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 13 December 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
No Meeting planned, January 2019	Shire Offices, 22 Watts Street, Wandering	3.30pm

CONSULTATION

Nil

STATUTORY/ LEGAL ENVIRONMENT

Section 5.3 Ordinary and Special Council Meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the minister of that failure.

Section 5.25(g) Local Government Act 1995 indicates regulations may be made concerning the giving of public notice of the date and agenda for Council or Committee meetings.

The following section of the Local Government (Administration) Regulations 1996 applies:

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *The ordinary council meetings; and*
 - (b) *The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public, are to be held in the next 12 months.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated costs of Council meetings.

STRATEGIC IMPLICATIONS**Community Strategic Plan 2013-2023****Goal 5 – A strong and Effective Organisation**

Outcome 5.1: Accessible customer services and information systems

Strategy 5.1.1: Promote and deliver responsive customer services

Strategy 5.1.2: Ensure all people can access information in a format that meets their needs

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure Councils decision making process is effective and transparent

Strategy 5.2.2: Ensure the organisations governance structure, policies and procedures are current and relevant

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2018 to January 2019 as outlined below.

DATE	LOCATION	TIME
<i>Thursday, 18 January 2018</i>	<i>No meeting Planned</i>	
Thursday, 15 February 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 15 March 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 19 April 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 17 May 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 21 June 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 19 July 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 16 August 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 20 September 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 18 October 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 15 November 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 13 December 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
No Meeting planned, January 2019	Shire Offices, 22 Watts Street, Wandering	3.30pm

COUNCIL DECISION – ITEM 10.1.3

MOVED: Cr Turton

SECONDED: Cr Price

That Council:

That Council adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2018 to January 2019 as outlined below.

DATE	LOCATION	TIME
<i>Thursday, 18 January 2018</i>	<i>No meeting Planned</i>	
Thursday, 15 February 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
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Thursday, 20 September 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 18 October 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 15 November 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
Thursday, 13 December 2018	Shire Offices, 22 Watts Street, Wandering	3.30pm
No Meeting planned, January 2019	Shire Offices, 22 Watts Street, Wandering	3.30pm

CARRIED 6/0

10.1.4 ANNUAL REVIEW OF COUNCIL POLICIES

FILE REFERENCE: 1.1.27

PROPOSERS: NIL

DISCLOSURE OF INTEREST: NIL

DATE: 31 October 2017

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Amanda O'Halloran, CEO

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

PURPOSE OF THE REPORT

Section 2.7(2) (b) of the Local Government Act 1995 ("the Act") states that the making of policy is a role of the Council. Policies provide clarity, ownership, and accountability to the Wandering community and for the staff of the Shire. A review of the attached policies has been conducted as part 1 of the process to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice governance principles. The policies attached have been reviewed by key stakeholders and Managers. The review included the need to define policy level; currency of the policy content; relevant statutory environments; policy owner and review timeframes; and formatting to align with the Shire's approved template models.

Part 2 with the remaining policies of Council will be presented at the December 2017 Meeting.

BACKGROUND

It was evident as part of the 2014/15 Probity Audit, all systems - policies, procedures, risk management and integrated planning, that a more formal and documented approach to Council's governance policies and procedures would be of benefit to all concerned. One of the suggestions was that Council adopt a maximum four year review timetable for all of its Policies.

The establishment of a formal management review system for all policies has been developed and integrated into the Shire work program. The regular review and analysis of Council's Policies highlights Council's focus on strategic governance as it provides clarity, ownership, and accountability to the Wandering community and for the operations staff of the Shire.

COMMENT

The review included the need to define currency of the policy content; relevant statutory environments; policy owner; review timeframes and format. All Council policies are kept in a Policy Register and uploaded onto the Shire's website and intranet.

Part 1 of the Council policies which have undergone review in 2017 are attached to this Agenda for consideration of approval. The next proposed review date is scheduled for October 2019. This is to coincide with the Election timetable and will enable new Councillors to be orientated and have input if required. No changes have been undertaken during this review.

ATTACHMENT 10.1.4.1

CONSULTATION

Shire Councillors
Manager Communities and Works
Shire Staff
Department of Local Government
WALGA

STATUTORY ENVIRONMENT

The Local Government Act 1995 Section 2.7(2)(b) of the Local Government Act 1995 ("the Act") states that the making of policy is a role of the Council.

POLICY IMPLICATIONS

Reviewed policies updated as per Policy Register and Council's recommendation.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of the policy review process, but there will be numerous and variable financial implications resultant from individual policy modifications. These would mostly be covered by the 2017/18 Annual Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Outcome 5.1 Accessible customer services and information systems

Strategy 5.1.1: Promote and Deliver responsive customer services

Outcome 5.2: Accountable decision making and resource allocation through effective governance

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent

Strategy 5.2.2: Ensure the organisation's governance structure, policies and procedures are current and relevant

VOTING REQUIREMENT

Simple Majority

Recommendation

That Council adopt the proposed reviewed policies as per **ATTACHMENT 10.1.4.1** of this Agenda and Minutes

Equal Opportunity, Harassment and Bullying	CP002
Disability Access and Inclusion	CP003
Use of Logo	CP004
Councillor Recognition	CP005
Employee Recognition	CP006
Dress Standard for Councillors and Employees	CP007
Common Seal	CP008
Official Photographs	CP009
Risk Management	CP010
Council Meetings	CP011
Memorials on Council Land	CP012
Naming of Public Places	CP013
Conduct of Public Question Time	CP016
Legal Representation for Councillors and Employees	CP018
Home Businesses	CP022
Occupational, Health and Safety	CP024

Addit: Council recommends that Policy CP007 be modified to remove the following statement – “The corporate uniform must be worn as a whole, and not mixed with other clothing (for example, a uniform shirt must not be worn with pants that have no logo and were not purchased through the corporate uniform program).”

COUNCIL DECISION – ITEM 10.1.4

MOVED: Cr Ferguson

SECONDED: Cr Parsons

That Council adopt the proposed reviewed policies as per **ATTACHMENT 10.1.4.1** of this Agenda and Minutes

Equal Opportunity, Harassment and Bullying	CP002
Disability Access and Inclusion	CP003
Use of Logo	CP004
Councillor Recognition	CP005
Employee Recognition	CP006
Dress Standard for Councillors and Employees	CP007
Common Seal	CP008
Official Photographs	CP009
Risk Management	CP010
Council Meetings	CP011

Memorials on Council Land	CP012
Naming of Public Places	CP013
Conduct of Public Question Time	CP016
Legal Representation for Councillors and Employees	CP018
Home Businesses	CP022
Occupational, Health and Safety	CP024

Including the recommended change to CP007 – removal of 2.1 statement –

“The corporate uniform must be worn as a whole, and not mixed with other clothing (for example, a uniform shirt must not be worn with pants that have no logo and were not purchased through the corporate uniform program).”

CARRIED 6/0

10.1.5 APPROVAL TO INSTALL SOLAR POWER ON COUNCILS KEY INFRASTRUCTURE

FILE REFERENCE: 18.1.31

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

**DATE:
PREVIOUSLY BEFORE
COUNCIL:** N/A

**AUTHORS NAME &
POSITION:** Katherine Price, Support Officer
& Amanda O'Halloran, CEO

**NATURE OF COUNCIL'S
ROLE IN THE MATTER:**

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PURPOSE OF THE REPORT

Council is committed to best practice financial management. Recent advances in Solar Power have significantly increased the efficiency and savings associated with solar installation. The Shire administration has been exploring opportunities to cost save and decrease Councils environmental foot print. Council is provided with 4 solar installation quotes for consideration.

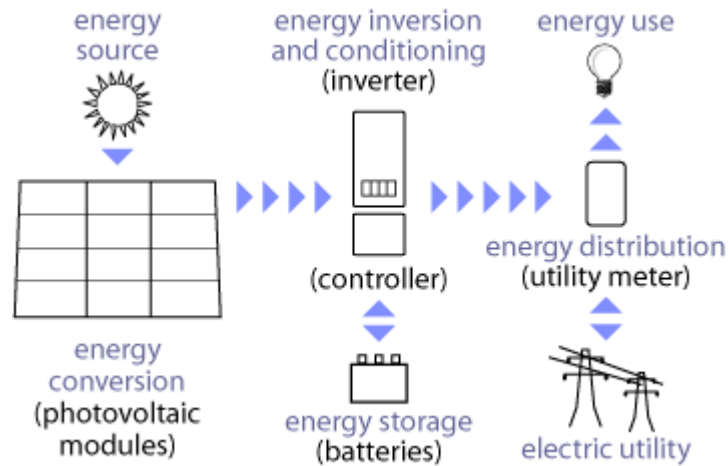
BACKGROUND

Energy costs have always been high for the Shire of Wandering. With electricity prices continuing to rise, alternative energy sources are said to provide substantial long term energy savings. Solar power generation has emerged as one of the most rapidly growing renewable sources of electricity.

Currently, the average annual cost of electricity for the Shire Office Building alone is an average of approximately \$7000. Council spends up to \$17,000.00 per annum on its 4 key properties a year, given the purported savings that can occur with the implementation of Solar, Council is requested to consider the information enclosed and give direction to the Shire Administration on a proposed way forward.

Solar photovoltaic (PV) system overview:

Solar PV systems are comprised of Solar Panels (or modules) and Inverters. Solar panels consist of individual solar cells, which function similarly to large semiconductors. When the solar cells are exposed to sunlight, they collect solar radiation from the sun, and actively convert the energy into direct current (DC) electricity. Inverters are the device which converts DC produced by the solar panels, into the alternating current (AC), creating usable electricity. This energy is utilised first, with electricity drawn from the grid if more is required.



The current cost of grid energy is 30.31 cents/kWh Flat, and is expected to increase by 3% each year. Considering the electricity requirements of the Shire of Wandering Office Building, a PV system could potentially generate \$112,670 in energy savings over the 20-year life of the system (\$5633.50 per annum), with a Levelised Cost of Energy (LCOE) of 8.96 cents. LCOE is calculated as the present value of the total costs of the PV system, divided by the energy generated by the PV system.

Four Shire properties have been considered for Solar PV Systems:

- Shire Office Building
- Community Resource Centre
- 13 Dunmall Dr (CEO's residence)
- 19 Humes Way

The combined cost of electricity for these properties is approximately \$17,000 per annum. Although this figure is seemingly small in the grand scheme of the Shire of Wandering's annual outgoings, taking measures to reduce this cost to the Shire, such as installing PV systems, can be expected to have long term financial benefits. In addition to increasing cash flow, solar power will assist in reducing the Shire of Wandering's carbon footprint, and add value to the properties where a PV system is installed.

Quotations have been received from four companies:

- SolarGrid \$50,000.00 incl GST
- Sunwise \$30,998.00 incl GST
- Solargain \$40,609.00 incl GST
- Infinite Energy \$18,616.00 incl GST

ATTACHMENT 10.1.5.1

Of these four companies, Solargain and Infinite Energy are listed in the WALGA Preferred Supplier Directory.

Comparing the quotations received from three of the suppliers, overall the recommended energy requirements for three of the four buildings listed above is fairly consistent:

- CRC recommended energy requirements varies from 5.83kW to 6.5kW
- 13 Dunmall Dr recommended energy requirements varies from 5.83 to 6.5kW
- 19 Humes Way recommended energy requirements varies from 2.43kW to 5.83kW

Recommended energy requirements for the Shire Office building does vary considerably between quotations:

- The Shire Office Building recommended energy requirements varies from 8.745kW to 15.12kW

However, as the third quotation recommends energy requirements of 13kW, the larger system is not that extreme a recommendation. Larger solar PV systems offer better value and produce more energy. Often, the increase in price is disproportionately small compared to the increase in energy yields. Although in this instance, the 15.12kW system is quoted as being \$911.00 less than the 8.745kW system.

It is very common to put more panel capacity on an inverter than its maximum output. The main reason for this is the panels will never perform at their peak rated power output. The panels receive their rating from standard test conditions which will never be seen in the real world at the same time.

The energy requirements recommended in the quotations from Infinite Energy are considerably lower than recommended by the other three providers. Due to this inconsistency, their quotation has not been referred to in the above recommended energy requirement variations.

From the quotations received, Solargain stands out as the most thorough. Their proposal is extensive, including but not limited to:

- Outlining the system recommendations for each property;
- Detailed inclusions and exclusions list, providing confidence in no 'hidden costs';
- Detailed Small-scale Technology Certificates (STCs) explanation;
- Detailed System Overview and Pricing Assumptions;
- Detailed information about the panels and inverters recommended, specific to each PV system;
- Process, timeline and compliance details, including Western Power Compliance requirements; and
- A list of referees, including City of Cockburn, City of Kalgoorlie-Boulder and the WA Department of Housing.

In addition to the information listed above, an email was also received from Chris Harvey, the Solargain consultant assigned to liaising with the Shire of Wandering, further outlining the quotation. This included:

- Suggestions for Inverter placement at the CRC. If located outside, a security cage is required at an additional cost of \$800;
- An explanation outlining the difference in cost of residential PV systems vs commercial PV system (i.e.; 13 Dunmall Dr vs CRC); and
- Confirming travel time for the installation of the residential PV systems is included in the quotation for each property.

Solargain's transparency certainly promotes confidence, and their customer service so far has been exceptional.

Sunwise is another supplier that provided fairly detailed quotations, and their customer service is excellent, however no referees or previous work history was provided.

Prior to a solar PV system being installed, it is a requirement by Western Power to have a bi-directional energy meter fitted. This type of meter is capable of separately measuring and recording electricity flows in each direction, that is, how much energy is consumed from the grid vs how much excess solar energy is exported back to the grid.

If any of the four properties listed above for solar PV system consideration, do not already have a bi-directional meter, the meter on that property will need to be replaced, reprogrammed or reconfigured to ensure it is compatible with the solar power system. Synergy can assist with arranging this with Western Power, and all metering costs incurred will be charged to the bill following installation.

Current Residential Metering costs to switch to REBS (inclusive of GST):

- Single phase meter \$138.24
- Three phase meter \$253.04
- Reprogram fee compatible meter: \$74.00

Therefore the recommendation to Council is to proceed with the Solargain quote and install solar PV systems in all 4 buildings in an effort to maximise Councils return over the 20 year life of the systems. The confidence that Solargain generates given their previous experience and delivery to Local Government in regional and remote areas qualifies them to support Wandering which can suffer from similar project complexities.

CONSULTATION

Sunwise Representatives
Solargain Representatives
Solargrid Representatives
Infinite Energy Representatives
Shire of Wandering CEO
Shire Councillors

STATUTORY/ LEGAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

For the Council to proceed with the decision, a lending agreement will be required to be entered into. It is proposed to seek approval from WA Treasury. Council has not allocated the proposed expenditure in the 2017/18 Budget, and a decision of Absolute Majority would need to be considered. It is anticipated that no increase in expenditure is required as electricity costs have been allocated across all four properties and the net savings in power should more than adequately cover the costs of lending over a minimum of 5 years.

If Council authorises the expenditure and directs the CEO to seek WA Treasury approval, Council will be required to authorise the final lending terms, therefore a more detailed cost breakdown will be presented prior to entering into contracts.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent

Strategy 5.2.2: Ensure that the organisation's governance structure, policies and procedures are current and relevant

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council

1. Awards the contract to install Solar PV Systems to Solargain as per quote for the sum of \$40,609.00 (incl GST).
2. Authorises the CEO to seek finance from the Western Australian Treasury Corporation for the sum of \$40,609.00 over 5 years.

COUNCIL DECISION – ITEM 10.1.5

MOVED: Cr Ferguson

SECONDED: Cr Price

That Council

1. Awards the contract to install Solar PV Systems to Solargain as per quote for the sum of \$40,609.00 (incl GST).
2. Authorises the CEO to seek finance from the Western Australian Treasury Corporation for the sum of \$40,609.00 over 5 years.

LOST 0/6

Note: Council requests the CEO undertakes further economic modelling, cost analysis and prioritisation of buildings considered for implementation

10.1.6 APPROVAL FOR COUNCILLOR VANCANCY TO REMAIN UNFILLED

FILE REFERENCE: 9.1.1

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

**DATE:
PREVIOUSLY BEFORE
COUNCIL:** N/A

**AUTHORS NAME &
POSITION:** Amanda O'Halloran, CEO

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ROLE IN THE MATTER:**

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PURPOSE OF THE REPORT

To consider future Councillor Representation, given the shortfall in nominations at the 2017 Council Elections.

BACKGROUND

The 2017 Council Elections failed to attract enough nominations to fill the 7 seats of the Wandering Council. 4 positions were vacant and 3 nominations were received at the time of nomination closing, no other interest or late nominations were received. Numbers of interested electors has dropped considerably over the last few years. An extraordinary election was held in 2016 when 2 Councillors resigned, Council was fortunate to receive 2 nominations; however this was the first time in a number of years that an election was not triggered.

Discussions with the Wandering Shire Council and other interested Community groups and members indicates that should an extraordinary election be called it would be unlikely to attract any nominations at this time.

COMMENT/ DETAILS

There are some circumstances in which vacant positions on council can remain unfilled even when the vacancy arises in a year when ordinary elections are not due. Sections 4.17(3) and (4A) allow a council, with the approval of the Electoral Commissioner, to leave a vacant position unfilled until the next ordinary elections, provided that 80 per cent of the remaining positions on council for the relevant district or ward are still filled.

The Shire of Wandering Administration is asking Council to consider leaving the position vacant for a period of 12 months, during which time the Shire undertakes a Councillor drive and conducts community sessions in an effort to increase the community's knowledge and perception regarding the role of Councillor.

It is necessary for Council to formally consider the option of leaving the vacant office unfilled prior to seeking the Electoral Commissioners determination.

CONSULTATION

Shire President
Wandering Shire Council
WA Electoral Commission

STATUTORY/ LEGAL ENVIRONMENT

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
 - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
 - (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

* Absolute majority required.

- (4A) Subsection (3) applies —
 - (a) if —
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled;

[Section 4.17 amended by No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are minimal financial implications in leaving the position vacant for 12 months, other than Administration and Councillor time to conduct information sessions and undertake a level of community engagement. However should an extraordinary election be required, the financial and resource implications have not been considered in the 2017/18 budget and are generally in the vicinity of \$5,000.00. The Shire Council will need to approve this expenditure should the Electoral Commissioner instruct Council to undertake an extraordinary election.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance

Strategy 5.2.2: Ensure the organisation's governance structure, policies and procedures are current and relevant

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council:

Seek approval from the Electoral Commissioner for the vacancy to remain unfilled for a period of 12 in accordance with s4.17 of the Local Government Act 1995, during which time the Council and the Shire Administration undertake a Councillor drive, to encourage interest and participation on Council, with a review of interest and numbers to be considered in July 2018.

Item was amended by consensus at the meeting; the following recommendation was put for consideration by Council and carried.

COUNCIL DECISION – ITEM 10.1.6

MOVED: Cr Turton

SECONDED: Cr Watts

That Council:

Seek approval from the Electoral Commissioner for the vacancy to remain unfilled for a period of approximately 24 months to coincide with the next election in 2019 in accordance with s4.17 of the Local Government Act 1995, during which time the Council and the Shire Administration undertake a Councillor drive, to encourage interest and participation on Council in time for the 2019 election.

CARRIED 6/0

10.1.7 REQUEST FOR QUOTE WALGA – SUPPLY SPRAY SEAL AND RESEALS FOR 2017/18 WORKS PROGRAM

FILE REFERENCE: 33.1.6

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 7 November 2017

PREVIOUSLY BEFORE

COUNCIL: Nil

AUTHORS NAME &

POSITION: Amanda O'Halloran, Chief Executive Officer

NATURE OF COUNCIL'S ROLE IN THE MATTER:

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PURPOSE OF THE REPORT

To consider the "eQuotes" received for the supply/spraying of bitumen for North Bannister Wandering and Reseals as budgeted in the 2017/18 Annual Budget.

BACKGROUND

Council has budgeted to carry out works on the following roads in the 2017/18 Annual Budget.

- North Bannister Wandering Road – 2 coat seal 4km – Regional Road Group Projects
- North Bannister Wandering Road – 2 coat seal 700m – Repair Failure – Shire Funds.
- Reseals miscellaneous Town Streets and entrance to Fuel Station 2.km – Roads to Recovery funding

As the work to be undertaken is above the \$150,000.00 threshold for authorisation without tender, the Council utilised the WALGA preferred supplier eQuotes tool to call for quotations for the works to be carried out. The Council is exempt from issuing a tender if it utilises the WALGA eQuotes tool.

COMMENT/ DETAILS

11 suppliers of the required service were notified of the Shire's request for Quotation.

The quotation was called on the 5 October 2017 and closed on the 27 October at 5.00pm. Two quotations were received at the time of closing.

The request for quotation specifications requested that the supplier provide the following services

- Final design of bitumen to be supplied
- Traffic management services, plan to be provided by Shire
- Works are required to be carried out adhoc
- Supplier must have OSH management system in place.

ATTACHMENT 10.1.7.1

eQuotes were received from

- Downer EDI Works - \$208,020.00 ex GST
- COLAS Pty Ltd \$182,420.00 ex GST

ATTACHMENT 10.7.1.2

Of the two responses received:

Both Quotes meet the requirements of the Shire and the Tender request, can meet the Shires timeframes and mobilisation requirements.

The Shire Staff and COLAS have had an association with COLAS for over 20 years and COLAS has a proven track record for service and support.

After evaluating the quotations in accordance with CP023, it is recommended that Council award the supply of Bitumen and Reseals to COLAS, Western Australia for the cost of \$182,420.00 (ex GST)

CONSULTATION

Works Manager

WALGA procurement Officers

STATUTORY/ LEGAL ENVIRONMENT

This procurement process has been completed in accordance with section 3.57 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 Section 4 Division 2.

POLICY IMPLICATIONS

CP023 Purchasing and Tender Policy. This policy outlines how the Shire of Wandering will deliver best practice in the purchasing of goods, services and works that align with the principals of transparency, probity and good governance whereby establishing efficient, economical, and sustainable procedures in all purchasing activities. This policy was used to undertake the procurement process via WALGA eQuotes.

FINANCIAL IMPLICATIONS

Funding has been allocated in the 2017/18 Budget estimates that cover the quotes received.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 4 – Infrastructure and Services that are well planned and delivered

Outcome 4.1: Infrastructure that is well constructed, maintained and utilised

Strategy 4.1.1: Maintain and further develop roads at an appropriate standard

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure Council's decision making process is effective and transparent

Strategy 5.2.2: Ensure the organisations governance structure, policies and procedures are current and relevant

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council awards the Request for Quotation to supply bitumen and reseals to North Bannister Wandering Road, entrance to fuel station and miscellaneous town streets to COLAS Western Australia for the sum of \$182,420.00 (ex GST).

COUNCIL DECISION – ITEM 10.1.7

MOVED: Cr Ferguson

SECONDED: Cr Parsons

That Council awards the Request for Quotation to supply bitumen and reseals to North Bannister Wandering Road, entrance to fuel station and miscellaneous town streets to COLAS Western Australia for the sum of \$182,420.00 (ex GST).

CARRIED 6/0

10.1.8 AUTHORISATION TO INCREASE BANK OVERDRAFT

FILE REFERENCE: 10.1.8

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 6 November 2017

PREVIOUSLY BEFORE COUNCIL: 21 May 2015 Item 10.1.1, 7 July 2015 10.1.2

AUTHORS NAME & POSITION: Amanda O'Halloran CEO

NATURE OF COUNCIL'S ROLE IN THE MATTER:

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PURPOSE OF THE REPORT

Council resolved by Absolute Majority at the May and July 2015 Ordinary Meetings of Council to approve an operational overdraft of \$200,000.00 from the Westpac Bank, this level of overdraft is more than adequate for day to day operations however with the level of flood damage works to be undertaken under the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA), Council's cash flow is likely to be stretched to capacity leaving very little room for movement. This item is requesting that Council authorise an eighteen month extension of the overdraft to 500,000.00

BACKGROUND

Council experienced two severe weather events during the latter part of 2017.

FEBRUARY 2017 FLOOD EVENT – AGRN 743

The Shire of Wandering received 167mls of rain over three days on the 10, 11 and 12 February 2017. This was a severe weather event that caused wide spread flooding and disruption to business and the transport network.

The damage in the Wandering Shire was relatively wide spread however central areas were worst hit. Wandering is a very undulating environment and the run off from the rain pressured many water crossing areas. Damage mainly consists of road carriage way and road shoulder scours, areas where unsealed gravel road pavements have been washed away, destroyed or blocked pipes and culverts, destruction or dislocation of culvert head walls, loss of rock armour and silting and cut off drains. Detailed damage assessment has been undertaken by the Shire of Wandering Works Manager and the Shire of Wandering CEO, with various help from field experts in the industry, 17 roads were considered significantly damaged and therefore eligible for funding. The Cost estimate to reinstate the assets to their previous status is \$771,527.00 (Council is required to contribute the first \$153,400.00 of the claim).

JUNE 2017 FLOOD EVENT – AGRN 767

The Shire of Wandering received 136.2mm of rain over 24 hours on the 22 June 2017. Local Farmers reported to receiving up to 175mm of rain within 10km of the Wandering BOM weather station. This was a severe weather event that caused wide spread flooding and disruption to business and the transport network. Significant stock losses also occurred throughout the Shire.

The damage in the Wandering Shire was focused mainly on the localities of Wandering, Codjatotine and Dwarda. Wandering is a very undulating environment and the run off from the rain pressured many water crossing areas. Unfortunately the worst hit areas, had previously incurred some level of damage in the WANDRRA AGRN 743 event. The rainfall increased the damage significantly in some instances. Damage mainly consists of road carriage way and road shoulder scours, areas where unsealed gravel road pavements have been washed away, destroyed or blocked pipes and culverts, destruction or dislocation of culvert head walls, loss of rock armour and silting and cut off drains.

Detailed damage assessment has been undertaken by the Shire of Wandering Works Manager and the Shire of Wandering CEO, with various help from field experts in the industry, 9 roads were considered significantly damaged and therefore eligible for funding.

The Cost estimate to reinstate the assets to their previous status is \$1,255,883.00 (Council is required to contribute the first \$153,400.00 of the claim).

COMMENT

The Shire has been proclaimed for two Natural Disaster events AGRN 743 and AGRN 765. Approved Reinstatement works will be funded by the Office of Emergency Management, administered by Main Roads. It is known that reimbursement of claims can take a considerable time and Council has limited funds in the most normal of circumstances.

Under the conditions of the WANDRRA claims all costs and works to be undertaken on each road need to be completed in their entirety in order to progress to a claim reimbursement, recent rain and ongoing moisture issues are preventing the Shire from fully completing a road and we are therefore carrying significant costs that are impacting on our cash flow.

It must also be noted that the Shire needs to contribute the first \$153,400 of each claim. Road claims are reimbursed at 75% until the \$153,400 is reached at which time reimbursements revert to a full 100%.

Council has other significant road works underway with 2 Regional Road Group projects in the vicinity of \$300,000 each also impacting on cash flow significantly.

Cash flow is anticipated to be extremely tight by December 2017. As it is unknown how quickly the WANDRRA claim turn around occurs, the Shire Administration feels it is prudent to carry the increased overdraft for the duration of the Flood damage program, to ensure that local contractors and Staff wages can be maintained.

There are significant processes to be undertaken in order to progress the overdraft and ensure it can be in place to meet the operational needs of the organisation.

The intent to extend the Council's overdraft facility from \$200,000.00 to \$500,000.00 will need to be advertised in accordance with section 6.20 of the *Local Government Act 1995*. The advertisement will need to be published in local papers, the Shire's website and on local notice boards for 30 days.

Final negotiations will occur with the Westpac Bank once Council has approved the proposal.

CONSULTATION

Shire President
Finance Officer
Works Manager
Westpac Bank Officials

STATUTORY ENVIRONMENT

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
 - (a) borrow or re-borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (***power to borrow***) and details of that proposal have not been included in the annual budget for that financial year —
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
 - (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
 - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,

the local government may resolve* to expend the money or utilise the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

* *Absolute majority required.*

- (4) A local government is not required to give local public notice under subsection (3) —

- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

6.21. Restrictions on borrowing

- (1) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —
- (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or
 - (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
 - (c) by a participant giving security over its general funds to the extent agreed by the participant.
- (1a) Despite subsection (1)(a) and (c), security cannot be given over —
- (a) the financial contributions of a particular participant to the regional local government's funds; or
 - (b) the general funds of a particular participant,
- if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 —
- general funds** means the revenue or income from —
- (a) general rates; and
 - (b) Government grants which were not given to the local government for a specific purpose; and
 - (c) such other sources as are prescribed.

[Section 6.21 amended by No. 49 of 2004 s. 59.]

FINANCIAL IMPLICATIONS

Council has the financial capacity to service the overdraft and it is intended that the overdraft is only to be utilised times of cash flow shortages.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure Council's decision making process is effective and transparent

Strategy 5.2.2: Ensure the organisations governance structure, policies and procedures are current and relevant

POLICY IMPLICATIONS

There are no policy implications.

VOTING REQUIREMENT

Absolute Majority Required

RECOMMENDATION

That Council:

1. Approve an increase of the Shires overdraft facility from \$200,000.00 to \$500,000.00 through the Westpac Bank.
2. Authorises the CEO to advertise the Council's proposal in accordance with Section 6.20 of the Local Government Act 1995
3. Authorises the Shire President Cr Brendan Whitely and the Chief Executive Officer Amanda O'Halloran to affix the Common Seal to, and execute the agreement for the overdraft of \$500,000.00 from the Westpac bank.
4. Authorises the Chief Executive Officer Amanda O'Halloran to manage and draw on the facility as required.

Addit: The CEO introduced new information which alters the recommendation for Council to consider lending from the Western Australian Treasury Corporation, undertaking a Short Term Loan Facility for the sum of \$1,000,000.00. The facility allows the Council to borrow to meet immediate cash flow needs and repay from future cash flows. Capital and Interest if incurred are repayable on the maturity date.

The CEO recommends that at the consensus of Council that the recommendation be modified to include the intention to borrow funds from the Western Australian Treasury Corporation.

COUNCIL DECISION – ITEM 10.1.8

MOVED: Cr Watts

SECONDED: Cr Ferguson

That Council:

- Approve a short term loan facility from the Western Australian Treasury Corporation of \$1,000,000 over 2 years for the purpose of funding the time lag from WANDRA reimbursement for flood works.
- Authorises the CEO to advertise the Council's proposal in accordance with Section 6.20 of the Local Government Act 1995
- Authorises the Shire President Cr Brendan Whitely and the Chief Executive Officer Amanda O'Halloran to affix the Common Seal to, and execute the agreement for the short term loan facility of \$1,000,000 from the Treasury Corporation
- Authorises the Chief Executive Officer Amanda O'Halloran to manage and draw on the facility as required.
- CEO to report to Council monthly regarding the balance and movement of funds

10.1.9 ROYALTIES FOR REGIONS – WHEATBELT REGIONAL GRANTS SCHEME

FILE REFERENCE: 12.1.16

PROPONENTS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 6 November

PREVIOUSLY BEFORE COUNCIL: 7 September 2016 Item 10.1.7

AUTHORS NAME & POSITION: Amanda O'Halloran CEO

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

PURPOSE OF THE REPORT

To seek councils direction on progressing the Royalties for Regions – Wheat belt Regional Grants Scheme funding for the "Creating a Vibrant Wandering Commercial Precinct Project", given that the project has a \$195,000.00 shortfall with limited options to seek further funding at this time.

BACKGROUND

The Council was successful in receiving \$100,000.00 in the Royalties for Regions – Wheatbelt Regional Grants Scheme on the 24 January 2017. The Councils “Creating a Vibrant Wandering Commercial Precinct Project” was aimed at stimulating economic development by providing further avenues to harness economic return from the increasing visitor numbers travelling through Wandering. The project would deliver 3 shoppettes and were intended to provide for a small store and other retail or commercial operations. Ongoing negotiations and discussions with the Wheatbelt Development Commission have indicated that only the \$100,000.00 is available. The Grant submission and the project planning have placed the full project costs in the vicinity of \$400,000.00. The initial grant application was requesting \$295,000.00 in funding; therefore a shortfall of \$195,000.00 in cash exists.

COMMENT

Many options have been considered over the last three months, to try and provide an avenue to utilise the Royalties for Regions funding, however the extensive head works and land development costs of which Council would need to meet in order to satisfy contribution requirements are still considerable and require far more monetary input than Council had considered contributing to the Project.

In kind costs are limited and previously Council had hoped to fund its contribution entirely from in kind contributions. There is no doubt that this project would have considerable community impact and gain, the economic times that the Council is operating under are close to the most constrained in the Shires history and the Shire Administration reluctantly advises caution and further consideration of the option of not proceeding with this opportunity at this time.

Council will have a number of competing capital investments to make during the budget periods that would require commitment to this project, in order to meet core business requirements such as road maintenance and construction. The Shire Administration is of the opinion that maintaining a focus on our core business needs to be the priority in these challenging financial times which has limited the Councils Capacity to invest in economic and community development projects of this nature. It is further suggested that Council continue to actively seek opportunities similar to this project into the future.

The Wheatbelt Development Commission have sought Council's direction as to the short term future of the grant offer and Council's intention regarding the project, The Shire Administration also seeks Council's direction in regards to proceeding with negotiations given the substantially increased financing that would be required from Council in order for the project to proceed.

CONSULTATION

Wheatbelt Development Commission Officers
Shire President
Wandering Shire Councillors

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Should Council consider going ahead with the project; a financial contribution in the vicinity of \$280,000.00 would be necessary.

The original project plan and application Council had undertaken to contribute \$85,000.00, however with the shortfall in grant funding a further contribution of \$195,000.00 would need to be considered, whilst there may be some level of cost cutting possible, the project had tight budget targets from the outset and there is little room for cost cutting. Council is limited in its capacity and timing to seek other contributory funds at this time.

Council would need to consider lending options to raise these funds.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 2 – A Robust and Diverse Rural Economy

Outcome: 2.1 Attract and retain visitors to the Shire

Strategy 2.1.2: Promote the provision of services and infrastructure to support tourism

Outcome 2.2 Sustain and grow our business and industry sector

Strategy 2.2.2: Facilitate the identification and attraction of value adding and compatible new business and industries to our town

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure Council's decision making process is effective and transparent

Strategy 5.2.2: Ensure the organisations governance structure, policies and procedures are current and relevant

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority Required

RECOMMENDATION

That Council:

1. Does not authorise the CEO to progress any further negotiations with the Wheatbelt Development Commission in regards to the "CREATING A VIBRANT WANDERING COMMERCIAL PRECINCT" project with anticipated funding of \$100,000.00 from Royalties for Regions.
2. Directs the CEO to write to the Wheatbelt Development Commission indicating Councils inability to progress with the project due to funding constraints at this time.
3. Directs the CEO to write to the Minister for Regional Development, thanking the Department for the funding, indicating however Councils disappointment in the project only being 25% funded.

COUNCIL DECISION – ITEM 10.1.9

MOVED: Cr Ferguson

SECONDED: Cr Price

That Council:

1. Does not authorise the CEO to progress any further negotiations with the Wheatbelt Development Commission in regards to the "CREATING A VIBRANT WANDERING COMMERCIAL PRECINCT" project with anticipated funding of \$100,000.00 from Royalties for Regions.
2. Directs the CEO to write to the Wheatbelt Development Commission indicating Councils inability to progress with the project due to funding constraints at this time.
3. Directs the CEO to write to the Minister for Regional Development, thanking the Department for the funding, indicating however Councils disappointment in the project only being 25% funded.

CARRIED 6/0

10.2 BUILDING AND PLANNING REPORTS

Nil

10.3 COMMUNITY SERVICES REPORTS

Nil

10.4 CORPORATE SERVICES

10.4.1 FINANCIAL STATEMENTS FOR THE PERIODS ENDED 30 SEPTEMBER & 31 OCTOBER 2017

FILE REFERENCE: 10.1.16

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 6 November 2017

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Amanda O'Halloran CEO

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

PURPOSE OF THE REPORT

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

Monthly Financial Report, Payment Listing and Bank Reconciliations for the months of 1 September to 31 October 2017 is presented for Council's consideration.

BACKGROUND

In accordance with Local Government (Financial Management) Regulation 1996 34(1), local governments are required to prepare each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

COMMENT/ DETAILS

Council is requested to accept the Monthly Financial Report, Bank Reconciliations and List of payments for the periods ended 30 September & 31 October 2017, as presented.

Monthly Financial Report 30 September 2017

ATTACHMENT 10.4.1

List of Payments 30 September 2017

ATTACHMENT 10.4.1.1

Bank Reconciliations & Bank Statements (Muni A/C) 30 September 2017 **ATTACHMENT 10.4.1.2**

Bank Reconciliations & Bank Statements (Investment A/C) 30 September 2017 **ATTACHMENT 10.4.1.3**

Bank Reconciliations & Bank Statements (Trust A/C) 30 September 2017 **ATTACHMENT 10.4.1.4**

Credit Card Statement 30 September 2017

ATTACHMENT 10.4.1.5

Monthly Financial Report 31 October 2017

ATTACHMENT 10.4.2

List of Payments 31 October 2017

ATTACHMENT 10.4.2.1

Bank Reconciliations & Bank Statements (Muni A/C) 31 October 2017

ATTACHMENT 10.4.2.2

Bank Reconciliations & Bank Statements (Investment A/C) 31 October 2017 **ATTACHMENT 10.4.2.3**

Bank Reconciliations & Bank Statements (Trust A/C) 31 October 2017

ATTACHMENT 10.4.2.4

Credit Card Statement 31 October 2017

ATTACHMENT 10.4.2.5

CONSULTATION

Finance Officer

Finance Contractor

STATUTORY/ LEGAL ENVIRONMENT

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications and performance to budget are reported to Council on a monthly basis.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance

Strategy 5.2.1: Ensure Council's decision making process is effective and transparent

Strategy 5.2.3: Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$315,029.89 & \$331,528.06 for the period ending for the period ending 30 September & 31 October 2017 respectively.
2. Receive the bank reconciliations & bank statements for the periods ended, 30 September & 31 October 2017.
3. Receive the financial statements for the period ended 30 September & 31 October 2017.

COUNCIL DECISION – ITEM 10.4.1

MOVED: Cr Ferguson

SECONDED: Cr Watts

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$315,029.89 & \$331,528.06 for the period ending for the period ending 30 September & 31 October 2017 respectively.
2. Receive the bank reconciliations & bank statements for the periods ended, 30 September & 31 October 2017.
3. Receive the financial statements for the period ended 30 September & 31 October 2017.

CARRIED 6/0

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

13 CONFIDENTIAL ITEMS

Nil

14 TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 14 December 2017 at 3:30pm.

15 CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.31 pm

**These Minutes were confirmed at the Ordinary Council Meeting
on Thursday 14 December 2017.**

Signed:

Presiding Person at the meeting at which the minutes were confirmed

Date: