

SHIRE OF CARNAMAH

Ordinary Meeting of Council

21 August 2019

Notice of Meeting

Dear Councillor,

The next Ordinary Meeting of the Carnamah Shire Council is to be held:

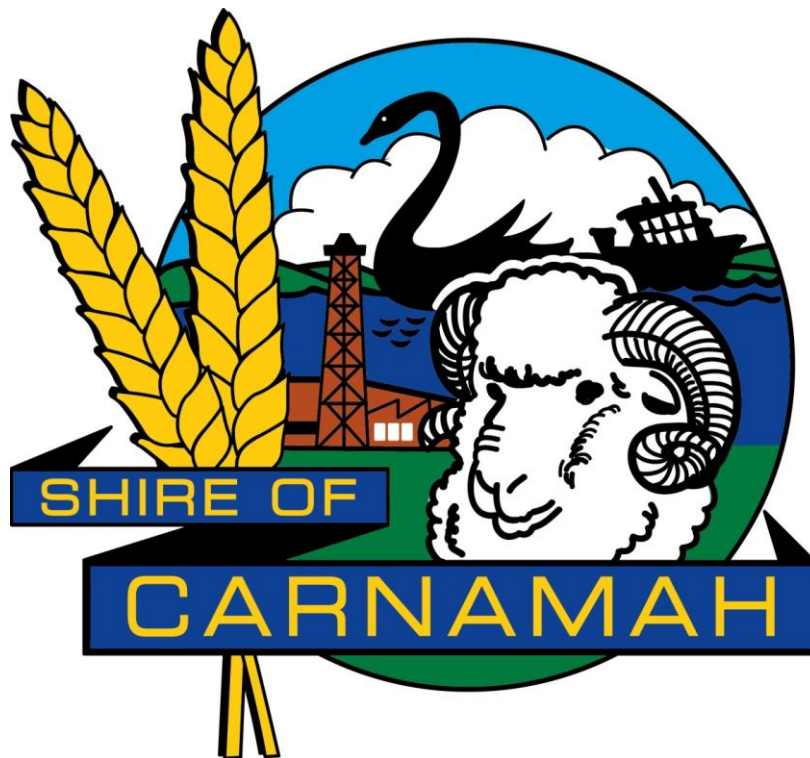
On: Wednesday 21 August 2019

At: Council Chambers
33-37 Macpherson Street, Carnamah WA 6517

Commencing at: 4:00pm

.....
SEAN FLETCHER

ACTING CHIEF EXECUTIVE OFFICER



AGENDA

Ordinary Meeting of Council

21 August 2019

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL - 21 AUGUST 2019
AGENDA

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SHIRE OF CARNAMAH

DISCLAIMER

No responsibility is implied or accepted by the Shire of Carnamah for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Carnamah disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Carnamah during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnamah.

The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnamah in respect of the application.

Signed: _____

CHIEF EXECUTIVE OFFICER

SHIRE OF CARNAMAH

AGENDA

ORDINARY MEETING OF COUNCIL

To be held at the Carnamah Council Chambers,
33-37 Macpherson Street, Carnamah WA 6517
On Wednesday 21 August 2019
Commencing at 4:00pm

1. DECLARATION OF OPENING

2. RECORD OF ATTENDANCE

Present

Apologies

Leave Of Absence (Previously Approved)

Cr Ian Bowman

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DISCLOSURE OF INTEREST

7. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Wicky Moffat, Geoff Dyer and Sarah Barron, a delegation of officials representing Iluka Resources Ltd will be providing a presentation to Council at 4:00pm. This is expected to last no longer than half an hour in length.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. CONFIRMATION OF MINUTES

9.1 Minutes of Ordinary Meeting of Council held 17 July 2019.

As Circulated

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item 9.1

That the Minutes of the Ordinary Meeting of Council held on 17 July 2019 be accepted as a true and correct record.

10 MANAGEMENT REPORTS

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	14 August 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 01 July 2019 to 9 August 2019, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

ATTACHMENT

Copy of list of accounts paid (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4 *Financial Report*
Local Government (Financial Management) Regulations 1996 -
Section 12 Payments from municipal fund or trust fund;
Section 13 Lists of accounts; and
Section 15 Rounding off figures

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.1.1

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 10 July 2019 to 9 August 2019; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:

<i>Manual Municipal cheques:</i>	<i>022611 - 022613</i>
<i>Municipal cheques:</i>	<i>Nil</i>
<i>Municipal EFT's:</i>	<i>12531 - 12654</i>
<i>Trust Cheques:</i>	<i>300437</i>
<i>Payroll direct debits:</i>	<i>#02 - #03</i>
<i>Municipal Direct Debits</i>	<i>31/07/19</i>

Totalling \$627,802.94 be approved and passed for payment.

10.1.2 FINANCIAL REPORTS TO 31 JULY 2019

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	15 August 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

SUMMARY

A Statement of Financial Activity and other supplementary financial information is produced monthly as part of the Council meeting agenda.

BACKGROUND

The attached financial report for the period 1 July 2019 to 31 July 2019 (Attachment 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2019 to 31 July 2019.
- Summary Rates Trial Balance Report as at 31 July 2019;
- Cash and Investment Listing;
- Debtors Listing;
- Other Supplementary Information;

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 34 - *Financial activity statement report* — s. 6.4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.1.2

That Council receive the Statement of Financial Activity for the period 1 July 2019 to 31 July 2019; and other supplementary financial information as presented.

10.1.3 2019/2020 BUDGET ADOPTION AND IMPOSITION OF RATES AND CHARGES

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0167
Disclosure of Interest:	Nil
Date:	11th August 2019
Author:	Deputy Chief Executive Officer
Attachments:	*** 2019/20 Budget Documents *** Fees & Charges Schedule *** Significant Accounting Policy

SUMMARY

Each financial year, a budget is prepared and submitted to Council for its consideration. The budget details anticipated income and expenditure for the coming financial year and it has taken into account input from Council's decisions over the last 12 months, and contributions from Councilors and Officers over the same period.

The draft Annual Budget for the year ended 30 June 2020 has now been prepared and is submitted to Council for consideration of formal adoption.

BACKGROUND

The Local Government Act requires every local government to have an approved financial year budget taking into account Council's Corporate Business Plan and the Long Term Financial Plan. The draft Shire of Carnamah Annual Budget for the year ended 30 June 2020 detailing anticipated income and expenditure for the coming year has now been prepared.

The proposed differential rates were approved by Council on 20 June 2019 and advertised for public comment. Council needs to consider any submissions received prior to imposing the proposed 2019/20 differential rates and minimum payments.

No submissions were received.

COMMENT

The budget is prepared taking into account all of the necessary statutory requirements; input from Council's previous decisions; and contributions from Councilors and Officers over the last 12 month period.

The budget is based on delivering a 3.4% increase in the same rate yield compared to 2018/19.

Household and commercial rubbish charges have been increased by approximately 2%, whilst most other fees have been increased by 1.5%.

Grant funding from Federal / State Government for the following has been included in the budget:

- Regional Road Group - Widen and seal Wheat Rd
- Additional State Initiative Fund - Widen and seal section of Eneabba Coolimba Rd
- Roads To Recovery - Gravel re-sheet northern section of Brand Mudge Rd
- Mitigation Activity Fund - Treatments to address bush fire risks

- Lottery West - Playground equipment

Interest earning on investments is expected to be higher than last year.

The budget includes provision for the replacement of the following plant / vehicles:

- i) 2012 Komatsu loader
- ii) 2009 Isuzu tip truck
- iii) 1993 Semi trailer
- iv) 2016 Toyota Kluger
- v) 2018 Toyota Prado
- vi) 2018 Ford Ranger
- vii) 2018 Nissan X-Trail
- viii) 2011 DMax Ute
- ix) 1996 John Deere Tractor
- x) 2014 John Deere mower

The purchase of additional maintenance grader has also been included in the budget.

These items will be 50% funded from the plant reserve with the balance funded from the municipal fund.

Other major items include:

- Expansion and fencing of both the Carnamah & Eneabba Refuse Sites (\$65,000);
- Fencing Liquid Waste Facility Site (\$30,000)
- Improvements to existing staff housing
- Improvements to other existing housing
- Re-roof a shed in shire works depot
- Replacement of 2 water tanks for oval reticulation
- Generator for Shire Office

CONSULTATION

Acting Chief Executive Officer
Manager Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2	Budget to be adopted prior to 31 st August
Section 6.32	Imposition of rates to make up budget deficiency
Section 6.45	Imposition of rates installment administration charge
Section 6.51	Imposition of interest on overdue rates
Section 6.46	Granting of discounts for early payment of rates
Section 6.16	Imposition of Fees and Charges
Section 6.11(3)	Reserve accounts change of purpose

and
Health Act 2016

STRATEGIC IMPLICATIONS

Civic Leadership Objective 4: Financial Planning and Management -

2. To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed budget for 2019/20 is a balanced budget.

VOTING REQUIREMENT

Absolute / Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.1.3

That Council:

1. Note that the advertisement required by Section 6.16 of the Local Government Act 1995 inviting input into the proposed differential was placed in the West Australian on Saturday 6th July 2019 and that no submissions had been received.

Voting Requirement: Simple Majority

2. Adopts the Draft 2019/2020 budget as presented in Attachment **.*.*

Voting Requirement: Absolute Majority

3. Imposes the following uniform general and minimum rates on rateable land:

Rating Category	Minimum Rate \$	Rate in \$ (c)
GRV Townsite	770.00	15.4852
GRV Rural	380.00	15.4852
GRV Mining	770.00	30.9704
UV Rural & Mining	770.00	1.8583

Voting Requirement: Absolute Majority

4. Impose an administration charge of \$10.00 per rates instalment notice, for those ratepayers that elect the instalment option, and a single administration charge of \$30.00 for persons entering into payment arrangements other than by the instalment plan.

Voting Requirement: Simple Majority

5. Impose an interest charge of 5.5% per annum on rates where an election is made to pay in accordance with the permitted instalment plan.

Voting Requirement: Simple Majority

6. Impose an interest charge of 11.0% per annum on all other rates that remain unpaid after becoming due and payable, including all payment arrangements other than the instalment plan.

Voting Requirement: Absolute Majority

7. Confirms that no discount is given where rates are paid in full by the due date.

Voting Requirement: Absolute Majority

8. Impose the following refuse collection charges where a property receives, or is eligible to receive, a rubbish collection service:

Domestic Refuse Collection:

\$272.00 per annum per mobile garbage bin service (+ GST where applicable).

Commercial Refuse Collection:

\$272.00 per annum per mobile garbage bin service (+ GST where applicable).

\$2,047.00 (including GST) per annum per 1.5m³ bin service.

\$4,094.00 (including GST) per annum per 3.0m³ bin service.

Voting Requirement: Absolute Majority

9. Impose the following sewerage charges where a property receives, or is eligible to receive a service:

Sewerage Charge Category A

\$814.00 (No GST) per annum

Sewerage Charge Category B

\$452.00 (No GST) per annum

Voting Requirement: Absolute Majority

10. Imposes fees and charges for the 2019/2020 financial year draft budget as presented in Attachment **.*. – Fees & Charges Schedule

Voting Requirement: Absolute Majority

11. Re-affirm its Materiality Policy of 10% as per Policy 8.14.

Voting Requirement: Absolute Majority

12. Adopts the Significant Accounting Policy as attached.

Voting Requirement: Absolute Majority

10.1.4 OPERATING SURPLUS RATIO BELOW THE DEPARTMENT STANDARD AS IDENTIFIED IN THE AUDIT REPORT - 2017/18

Applicant:	Recommendation From Audit Committee
Location / Address:	Shire of Carnamah
File Ref:	ADM0073
Disclosure of Interest:	Nil
Date:	16th August 2019
Author:	Ian Walsh, DCEO
Previous Item Ref:	
Attachments:	Correspondence received from DLGSC

SUMMARY

The auditor report for the year ended 30 June 2018 identified that the Shire of Carnamah's "Operating Surplus Ratio" was below the standard set by the Department of Local Government Sport and Cultural Interest.

The Department has now written advising that in accordance with Section 7.12A(4) of the Local Government Act 1995 that Council need to:

- a) Prepare a report addressing this matter
- b) State what action the Shire has taken or intends to take to address this matter

An agenda item was prepared and presented at the Audit Committee meeting held on the 29th July 2019.

The committee's resolution was as follows:

Council Resolution 20190702

Item: 5.1

Moved: Cr Isbister

Seconded: Cr Woollorton

That the Audit Committee recommends to Council that the CEO responds to the Department as follows:

a) Council will review all own source income streams and operating expenses

b) Lobby for changes to the ratio calculation.

c) Lobby for increase the financial assistance grants **CARRIED 2-0**

BACKGROUND

The Operating Surplus Ratio is calculated as follows:

$$\frac{\text{Operating Revenue MINUS Operating Expense}}{\text{Own Source Operating Revenue}}$$

Purpose: This ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes.

Standards: Basic Standard between 1% and 15% (0.01 and 0.15)
Advanced Standard > 15% (>0.15).

Definitions: 'Operating Revenue' Means the revenue that is operating revenue for the purposes of the AAS, excluding grants and contributions for the development or acquisition of assets.

'Operating Expense' Means the expense that is operating expense for the purposes of the AAS.

'Own Source Operating Revenue' Means revenue from rates and service charges, fees and user charges, reimbursements and recoveries, interest income and profit on disposal of assets.

The Department considers this a key indicator of a local government's financial performance. If a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in future, having regard to asset management and the community's service level needs, then it is considered financially sustainable. A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt. A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result.

The table below shows the ratio for the last three years based on the formula above:

<u>Ratio</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Operating surplus ratio	(0.14)	0.31	(0.12)

As a result of the advance payment of the Financial Assistance Grants (FAGS) and the impact of increased revenue and expenses for flood damage (WANDRRA), which are considered one-off in nature these ratios are distorted.

By removing the FAGs and WANDRRA items the ratios would be:

<u>Ratio (After Adjustment)</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Operating surplus ratio	0.08	0.13	0.12

and as such would be within the Departments basic standard and therefore not considered to be a significant adverse trend

COMMENT

The Shire will need to review its operating income and expenditure and attempt to try and reduce the difference between operating income and operating expenditure.

Increasing revenue through raising rates, fees and charges etc is not going to have any significant effect in address the ratio due to the relatively small amounts involved. It requires fundamental changes to the way that local government is funded (increasing operational grants rather than capital grants) for us to be in a position to easily meet the DLG Standard for this ratio. This is something that we will continue to lobby for, as part of sector-wide efforts to lift Financial Assistance Grants from the current 0.55% to 1% of Commonwealth Taxation Revenue.

CONSULTATION

Acting CEO

STATUTORY ENVIRONMENT

Section 7.12A(4) of the *Local Government Act 1995*

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Corporate Business Plan

Civic Leadership

Financial Planning and Management

2. *To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.*

POLICY IMPLICATIONS

Council Policy 8.15 Significant Accounting Policies

FINANCIAL IMPLICATIONS

There is no direct financial implication. However, there may be implications in future years depending on what actions can be taken to address the ratio.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION

ITEM: 10.1.4

That the Council endorse the Audit committees recommendation that the CEO responds to the Department as follows:

- a) Council will review all own source income streams and operating expenses**
- b) Lobby for changes to the ratio calculation.**
- c) Lobby for increase the financial assistance grants**

10.2 ADMINISTRATION REPORTS

10.2.1 REVIEW OF THE SHIRE OF CARNAMAH POLICY MANUAL

Applicant:	Council
Location / Address:	Shire of Carnamah
File Ref:	ADM0072
Disclosure of Interest:	Nil
Date:	1 August 2019
Author:	Sean Fletcher, Acting CEO
Previous Item Ref:	Item 10.2.2 June OCM 2018
Attachments:	Current Policy Manual – Adopted 20 June 2018

SUMMARY

It is proposed that Council resolve to amend the changes to the Policy Manual as set out in this report including:

- The removal of the following policies:
 - 2.5 Outwards Correspondence - signing and keeping copies of such correspondence is a standard administrative practice also encapsulated within record procedures;
 - 6.5 Temporary Road Closures - the requirements for road closures regarding events are set out in the Traffic Management for Events Code of Practice issued by Main Roads Western Australia in accordance with the *Road Traffic Code 2000*;
 - 9.15 Equipment for Employee Use - it is not suitable for a public entity to allow employees the use of a public entities plant and equipment free of charge.
- The following policies are amended:
 - 1.1 Council Meetings. The start time for the briefing sessions is changed from 3PM to 2:30PM to allow a more effective information and agenda forum process;
 - 8.15 Significant Accounting Policies. This is to now read: “As part of the Budget Adoption process each year, the Shire is to review its Significant Accounting Policies. These policies are to be adopted by Council and to form part of the Budget.” This will make it easier to keep these policies up to date.
- That a section listing the policies withdrawn is included and maintained in the contents section of the Policy Manual.
- That the Chief Executive Officer Statement is amended to include a Table of Review timelines for the different policy sections.
- That the Acting CEO implements the proposed changes to the Policy Manual by 31 August 2019.

BACKGROUND

Under the Chief Executive Officer Statement on page 2 of the Shire of Carnamah Policy Manual, it states that Council has adopted an annual review process of its policies in November of each year. In more recent years, Council reviewed its policies in June 2018 and closed out the review of its policies in April 2017. Prior to this time, it would seem that the Policy Manual was updated as required.

Since the Policy Manual was last reviewed at the June 2018 OCM there have been a number of new policies adopted or others reviewed including:

- Policy 1.8 – Shire of Carnamah – Citizen of the Year Awards (Amended twice in the last 12 months);
- Policy 3.9 – Operational Use of Drones (New policy);
- Policy 3.10 – Lighting Management Policy (New policy).

Policies adopted by Council are binding on the CEO and therefore all employees. However, policies are not binding on Council itself as it can resolve to vary a decision from a policy at any time. The CEO is responsible for developing operational or executive policies/directives that are to do with the day to day operations of the local government.

It should be noted that there is no legal requirement to review the Policy Manual each year.

COMMENT

In broad terms, the Shire probably has too many policies in place. Every local government is different in terms of the number of policies that they have. It has been difficult at times to keep abreast of the policies. In other areas, a number of policies could be combined or even reduced to an overarching statement and removed as they are the purview of the CEO (e.g. many of the staff policies).

The changes recommended to the Policy Manual at this point in time are outlined as follows:

Proposed Inclusions

The author advises that there are no proposed new policies for inclusion for 2019.

Proposed Removals

2.5 Outwards Correspondence

This policy should be withdrawn as it has no real relevance. In particular:

- The initialling of the copies of outwards correspondence, or even a photocopy, is standard practice within most organisations and encapsulated within record keeping procedures;
- The copies are initialled by the CEO or an appropriate officer on behalf of the CEO where the CEO has approved for this to happen. For example, a manager can sign their own correspondence.

6.5 Temporary Road Closures

The policy is out of step with the further conditions introduced over time under the *Road Traffic Code 2000* and as set out in the Traffic Management for Events Code of Practice issued by Main Roads Western Australia in accordance with the Code regarding events on roads, whether a local road or a main road. Also, the CEO has discretion as an operational matter as to the barriers, signage and other assistance provided regarding events and other matters. Policy 6.5 should be withdrawn accordingly.

9.15 Equipment For Employee Use

This is a policy that promotes a practice frowned upon by a number of public authorities including the CCC. Equipment to employees should not be provided free of charge as they should be charged in line with fees and charges set by Council regarding public works. Also, it would appear that there is equipment that has been lent that is not listed in the current policy. Further, a recent incident highlighted that staff were not borrowing equipment in good faith. It is recommended that this policy is withdrawn accordingly.

Proposed Amendments

1.1 Ordinary Council Meetings

The criteria for the Briefing Sessions changed from commencing at 3:00PM to 2:30PM. In recent months, the Briefing Session has commenced at 2:00PM. However, it is recognised that some councillors find it difficult to start at 2:00PM. A change to 2:30PM though will allow more time for an effective briefing session to be held including time for visitors and relevant experts when dealing with the review of the Shire's functions and responsibilities such as amending the local planning scheme or updating its strategic documents and so on.

8.15 Significant Accounting Policies

Presently, the Shire's policy regarding significant accounting policies is well out of date. It is proposed to amend this policy so that the lengthy criteria is removed and replaced with a simple policy statement to reflect that the Significant Accounting Policies are reviewed and form part of the Budget Adoption process each year. The reason for this is that local government follows the international accounting standards that have been adopted in Australia and changes do occur regarding the criteria from year to year. Also, the Shire can adjust some of this criteria to suit its situation e.g. Major Depreciation periods. The new policy statement proposed is:

As part of the Budget Adoption process each year, the Shire is to review its Significant Accounting Policies. These policies are to be adopted by Council and to form part of the Budget.

Future Review of the Policy Manual

Further to the above it would seem the Shire has struggled to review the Policy Manual on a regular basis due to the number of policies and it being quite a task to review the policies each year. The author's advice is that the Policy Manual should be reviewed according to its sections on a cyclical basis similar to using a risk assessment i.e. annually, every three years, or five yearly. The suggestion is that the policies would be reviewed in detail as follows:

Section	Policy Area	When	Next Review	Comment
1	Governance	A	April 2020	Good Governance (or the ability to make good decisions is under constant review and so Council should ensure it adopts the same approach.

				<p>Future Changes</p> <p><u>1.2 Code of Conduct</u></p> <ul style="list-style-type: none"> • Should not be a policy. It is a stand alone statement; • Council and Staff Codes of Conduct must be separate (The Review of the Local Government Act concurs) <p><u>1.4 Councillor and Staff Allowances</u></p> <p>Council and Staff requirements should be separated</p>
2	Administration	A	April 2020	The policies in this section should be under constant review as there are a number of key policies regarding purchasing, hiring of facilities, risk management, tenders and appointment of the CEO
3	Law, Order, Public Safety	5	April 2022	These policies are generally the subject of other legislation and guidelines, so are subject to longer review periods
4	Community Amenities	3	April 2022	The focus here is waste management and such policies should really be encapsulated within the Shire's Strategic Waste Management Plans
5	Recreation and Culture	5	April 2024	These policies are very routine in nature
6	Transport	5	April 2024	These policies are very routine in nature
7	Economic Services	A	April 2020	There are a number of policies here that impact on economic development, tourism or have an environmental impact. These should be reviewed on a regular basis.
8	Finance	A	April 2020	With the implementation of the Office of the Auditor General, Review of the Local

				Government Act and the regular changes to the International accounting standards it would be advisable to regularly review the policies in this section.
9	Staff	3	April 2022	Many of these policies are the purview of the CEO as clearly set out in the Local Government Act. Many of these can be combined, reduced or sit under a broad Human Resources Policy that the CEO directly administers – similar to the Occupational Health and Safety Policy
10	Legislation Policies	5	April 2024	Local Government is a Public Office and so is subject to the requirements of other public entity legislation and so would be reviewed over a longer period of time
11	Occupational Health and Safety	3	April 2022	Although OSH is constantly changing, the overall standards remain uniform

Legend				
A = Annually				
3 = 3 Yearly				
5 = Every 5 Years				

Table One: Proposed Schedule for Review of Policies

Further to the above, it would be prudent to include in the list of contents those policies that have been removed under a separate heading. The Compliance Calendar will be updated to reflect the new timeframes.

CONSULTATION

Executive Team

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7 (2)(b) – The council is to determine the local government’s policies.

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Civic Leadership

Objective 4:

To be a professional, customer focussed organisation, which

- *effectively engages (with) the community to determine strategic direction,*
- *responsibly manages the organisation's assets and financial resources,*
- *is a strong advocate for the community.*

POLICY IMPLICATIONS

Chief Executive Officer Statement (Page 2) – Shire of Carnamah Policy Manual

Council has adopted an annual review process of the Policy Manual during November.

Compliance Calendar

In the Shire's Compliance Calendar, based on the WALGA template, the review of the Policy Manual is due in April of each year.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple

OFFICER RECOMMENDATION

Item: 10.2.1

That Council authorises the Acting CEO to make the following changes to the Shire of Carnamah Policy Manual:

1 The following policies are removed:

- **2.5 Outwards Correspondence** as signing or keeping copies of such correspondence is a standard administrative practice and also encapsulated with record keeping procedures;
- **6.5 Temporary Road Closures** as the requirements for road closures regarding events on roads are set out in the Traffic Management for Events Code of Practice issued by Main Roads Western Australia in accordance with the *Road Traffic Code 2000*;
- **9.15 Equipment for Employee Use** as it is not suitable for a public entity to allow employees the use of a public entities plant and equipment free of charge.

2 That the following policies are amended:

- **1.1 Council Meetings.** The start time for the briefing sessions is changed from 3PM to 2:30PM to allow a more effective information and agenda forum process;
- **8.15 Significant Accounting Policies** to now read: "As part of the Budget Adoption process each year, the Shire is to review its Significant Accounting Policies. These policies are to be adopted by Council and to form part of the Budget." This will make it easier to keep these policies up to date.

3 That a section listing the policies withdrawn is included and maintained in the contents section.

4 That the Chief Executive Officer Statement is amended to include the following Table of Review

Section	Policy Area	When
1	Governance	A
2	Administration	A
3	Law, Order, Public Safety	5
4	Community Amenities	3
5	Recreation and Culture	5
6	Transport	5
7	Economic Services	A
8	Finance	A
9	Staff	3
10	Legislation Policies	5
11	Occupational Health and Safety	3

Legend

A = Annually

3 = 3 Yearly

5 = Every 5 Years

5 That the Acting CEO issues new copies of the amended Policy Manual by 31 August 2019.

Carried

10.2.2 Trading in Public Places for Food Vendors

Applicant:	Council
Location / Address:	Shire of Carnamah
File Ref:	ADM0231
Disclosure of Interest:	Nil
Date:	14 August 2019
Author:	Gordon Houston - Environmental Health Officer
Attachments:	Draft Policy – Trading in Public Places for Food Vendors

REPORT PURPOSE

For Council to consider a policy position in regards to applications for mobile food vendors to trade in a public place in the Carnamah locality.

BACKGROUND

The Shire has been approached on several occasions to consider a Traders Permit application. Currently, Council does not have a policy position on this type of activity. This item has been prepared to allow council to consider a draft Policy to address itinerant and other traders and to provide a position on them for staff to administer the relevant Local Law.

This item provides advice on potential actions for Council consideration should the draft Policy be tabled for consideration at a later meeting but the officer recommendation provides the Council with the option to adopt the draft Policy at this sitting.

CURRENT SITUATION

Currently, while Council's Public Places and Local Government Property Local Law 2013 allows an applicant to apply for a trading permit, Council has no specific policy position around the principle of competition relating to traders (of any product or service) wishing to trade on a casual or permanent basis within the townsite. More particularly, there is no specific Council policy position around siting of vans or vehicles, proximity of traders from other premises selling "like" products (in this case, food) and trading times (e.g. anytime, or outside the normal trading hours of other businesses selling similar products).

Of most importance, the key principle of competition requires discussion and a supporting position from Council, to clarify whether there is a will to prevent or limit vendors and traders or whether Council generally agrees with open and unrestricted competition and would allow approval of any trading enterprise.

It is noted that the adoption of the above-mentioned Local Law in 2013 would indicate that there is certain acceptance of trading in principle. However to avoid ad hoc or inconsistent decision making and to provide clarity to administration when considering any application, it is considered imperative that a policy is developed to deal with traders in Carnamah.

Before any further applications are received, a decision needs to be made to:

- a) Adopt the draft Policy subject of this item; or, prior to the promulgation of a Policy;
- b) provide administration with a preliminary policy position either allowing general competitive principles to apply to trading applications (and thus applications to be considered); or
- c) provide a formal position on the non-acceptance of all or particular traders within the townsite (operating on public places); or
- d) not consider any trading application until such time as Council have adopted a policy position on the matter; or

- e) agree by consensus to the general position of open competition (prior to a formal policy position) and authorise (by delegation under the Local Law) for the shire administration to consider any application to trade in a public place and where approval is granted, apply a set of requirements to the application including siting, hours of operation and any other relevant stipulations relevant to the nature of the application.

It is noted that these requirements would be conditioned on and subject to an annual trading permit renewal until a longer term licence (if applicable) could be issued once the Policy has been adopted, and would potentially be subject to compliance with additional or amended policy conditions to be determined in the future.

The above determinations and Council position would not affect applications made by traders or vendors to operate at an event such as the speedway or other organised gathering.

THE POLICY

The Local Law does provide some considerations when dealing with an application, and the development of a Policy would consolidate a broader consistent approach for traders (and Administration) and establish suitable provisions and objectives for supporting, or not supporting, trading in public places in the Shire. However, if the Policy is not adopted immediately, Council's initial "pre-policy" position on this issue is being sought.

In developing the policy, it is recognised a fair balance between mobile traders and established businesses is a major focus however the policy can include provisions such as;

- existing businesses;
- areas where trading in public places is permitted or prohibited;
- restrictions on operating days and hours of day;
- number of traders permitted in an area;
- local amenity;
- traffic;
- noise, etc

The development of the policy will also provide opportunity for community and business feedback on the matter, which will help Council understand and consider the desire for such activities.

CONSIDERATION

While the Policy is considered, Council's preliminary position is sought on the following:

1. Whether it supports the general principle of trading in public places;
2. Whether it supports unfettered competition provided by itinerant and mobile traders for all or some products, goods or services or whether it supports unfettered competition with conditions, or whether it is not supportive of any itinerant trading on council-managed or controlled lands;
3. Where it is prepared to consider (or approves staff considering by delegated authority) any trading application with conditions;
 - a. whether it supports the general principle of limiting traders selling products sold by other existing businesses in town to operating hours outside those usual hours of trading of the permanent local businesses, or if it will allow unfettered competition;
 - b. whether it supports designating a trading site some distance (e.g. 300m) from the town centre or from a permanent business selling a similar product or good, or not;or
4. Whether it supports not considering any application for a Traders Permit at this time until clear policy and strategic direction is established to guide trader applications in the Shire.

LEVEL OF SIGNIFICANCE

This issue has a low to medium level of significance. While the town's businesses continue to struggle with the lack of activity, there may be a perception that allowing itinerant businesses to trade in the town may create a disadvantage to those permanent traders. The policy however allows for some protection around this issue by regulating the itinerant trading activities such that conflict is prevented.

CONSULTATION

No formal consultation is deemed necessary as;

- the itinerant businesses likely to be effected by this policy are unknown; and
- consultation with the local businesses is ongoing, with councillors and staff regularly talking to proprietors in the town about the various issues impacting on the local economy.

LEGISLATION AND POLICY CONSIDERATIONS

State

- Local Government Act 1995

FINANCIAL AND RESOURCES IMPLICATIONS

There are no direct financial implications.

RISK MANAGEMENT CONSIDERATIONS

There is no perceived risk from this consideration.

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.2

That Council:

- 1. receive the draft Trading in Public Places for Food Vendors policy;**
- 2. direct the CEO to circulate the document to the various local businesses and commercial entities likely to have some interest in the policy, for their feedback before October OCM; and**
- 3. require the draft policy to be advertised locally and more generally for public feedback before the October OCM; and**
- 4. require the draft Policy with any amendments made as a result of the consultation and a list of any responses received to be tabled at the October OCM; and**
- 5. INSERT COUNCIL'S INTERIM CONSIDERATION (consideration 1,2,3 or 4 above).**

10.2.3 Submission to the Select Committee into Local Government

Applicant:	Select Committee into Local Government WALGA
Location / Address:	N/A
File Ref:	ADM0180
Disclosure of Interest:	Impartial. Mr Fletcher has a training contract with WALGA
Date:	13 August 2019
Author:	Sean Fletcher, Acting CEO
Previous Item Ref:	Nil
Attachments:	10.2.3.1 Submission to WALGA 10.2.3.2 Shire of Carnamah Draft Submission to the Select Committee into Local Government 10.2.3.3 Letter from the Standing Committee into Local Government 10.2.3.4 WALGA Draft Submission: <ul style="list-style-type: none">○ Draft Submission○ Shared and Cooperative Services○ WALGA State Council Policy Position

SUMMARY

The Acting CEO is seeking for Council to:

- Endorse the response prepared by the Acting CEO on the WALGA Draft Submission into Local Government submitted to WALGA on 13 August 2019.
- Authorise the Acting CEO to submit to the Select Committee into Local Government the Shire's submission.

BACKGROUND

The Shire President and the Acting CEO received notification of the Select Committee into Local Government on 9 July 2019 (Letter dated 8 July 2019). In the letter addressed to them, it was announced that the Parliamentary Inquiry into Local Government would be conducted by the Select Committee and it is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to:

- (a) whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application;
- (b) the scope of activities of Local Governments;
- (c) the role of the Department of State administering the Local Government Act 1995 and related legislation;
- (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
- (e) the funding and financial management of Local Governments; and
- (f) any other related matters the Select Committee identifies as worthy of examination and Report.

Submissions at the time of this letter were required by 23 August 2019.

Not long after on the same morning a request came through from the Executive Manager, Governance and Organisational Services, advising on the Standing Committee and that WALGA would be seeking feedback from local governments on its draft submission to the Select Committee by 13 August 2019.

The author advised the Shire President of the Inquiry on 10 July 2019 and advised Council at its Briefing Session on 17 July 2019 of the Inquiry. Both the President and the Acting CEO had the opportunity to discuss the Inquiry with Select Committee member Hon. Martin Aldridge MLC on 23 July 2019.

Since then, the author has completed comments on the WALGA submission and returned these to Mr Brown on Tuesday 13 August 2019. Mr Brown has since advised that the Select Committee has now given local governments until 13 September to submit a response.

Both the submission to WALGA and to the Select Committee are presented for Council's consideration.

COMMENT

Submission to WALGA

In his comments to the WALGA Draft Submission, the author made the following observations:

- Overall, the Shire supports the submission that WALGA has drafted to the Select Committee. The Shire appreciates the positive tone and the constructive language used to engage the Committee. In particular, it is important for the Select Committee to understand the impact on local government regarding the current level of vertical fiscal imbalance and the impact of ongoing cost-shifting as highlighted by the Hawker Report and many others since;
- On the matters of legislation, the Shire supports the current review of the Local Government Act and has made submissions to the Review to this effect. The Shire supports very strongly the notion of general competence and believes wholeheartedly that this needs to be retained. The need for size and scale compliance is a must, although we recognize that legislating for such a framework may be difficult. However, one solution is for the regulations to call up Departmental Guidelines that would have such a framework set out. That way, the Guidelines can be changed when required without the need to go through a lengthy legislative process;
- Concerning the scope of the activities of local government, the following observations were provided:
 - The Shire of Carnamah as a small local government does suffer from not being able to provide a wider range of services due to its limited ability to raise revenue. However, it has resisted making the same mistake that some others are currently doing re keeping rate increases well below the levels recommended in their respective long term financial plans.
 - The Shire strongly supports the hypothecating of all funds collected from the Waste Avoidance and Recovery Levy into strategic waste management activities
 - The Shire supports the suggested improvements to land use (Town Planning) planning and building services.

- The Shire is a strong supporter of emergency management;
- From a climate change and environmental perspective, Carnamah does have in place a policy regarding LED retrofits for street lighting and supports renewable energy e.g. Warradarge Wind Farm;
- Of key concern is the matter of Economic Development and the Shire is working proactively to facilitate mechanisms that will make the Shire's local economy more effective. It has an economic development plan and blueprint in place as well as a community working group and mentor for that group.
- On the matters regarding the Department of Local Government, of great concern is the change that has happened to the Department of Local Government over a long period of time regarding the area of support and advice and the need to act quickly when intervention strategies are required. The Shire agrees the matter is of a systemic nature regarding under resourcing and not one regarding the dedicated officers themselves at the Department. By way of example, the Department's Compliance Model currently used to guide such activities would seem out of step with what it can actually provide at this point in time.
- Regarding the Role of Elected Members and Chief Executive Officers, the author highlighted that one of the greatest challenges still is the community at large fails to recognise the different roles that council, the elected members and the CEO have within local government. The understanding by elected members is improving, but is still not without its challenges. Officers generally understand the differences, but are still faced with how the CEO deals with matters regarding errant elected member behavior i.e. where the boundary is. On the matter of whether councils are, or are not, boards and elected members are directors required to "display" board like behavior, is a point of interest and difference. Part Two of the Act does say the local government is a Body Corporate. This in itself seems to imply council is a governing board as this is the legal understanding applicable in a range of governance environments. Training and Development for both elected members and officers is critical to the long term survival of local government. WALGA's training programs have been a breath of fresh air in this regard and are making a difference (Please note that as a WALGA trainer, and author of this letter, I do have a conflict of interest in this matter). One further suggestion is perhaps to include the numbers each year of those who have accessed the various training modules rather than just stating who has undertaken and completed the Diploma. The Shire welcomes the recent changes to the Local Government Act that provide for model guidelines on the recruitment and performance management of the CEO.
- With funding and financial management, the author commented that the Shire strongly supports WALGA's comments regarding rates, rating exemptions, charitable purposes, State Government trading entities, the State Agreements Acts, borrowing restrictions and fees and charges. On the matter of grants, this is of key concern and the Shire agrees that the eroding of the Financial Assistance Grants (FAGs) must be addressed and restoration to 1% of Commonwealth Taxation Revenue is a must. For the Shire, the level of FAGs it receives is comparable to the rates it currently raises and together, both equate to 45% of the Shire's revenue.
- In terms of other related matters, the author made the following observations:
 - The outcomes from the performance audits by the Office of the Auditor General have been interesting to date and of benefit and useful in terms of introducing further improvements within Local Government. The Shire of Carnamah has

certainly embraced these outcomes, although it has taken on board some of the other comments, or suggestions, within the reports in addition to the recommendations when it didn't need to as such. Enthusiasm for change for the better will always abound!

- The Shire agrees that the State Local Government Partnership Agreement is important and the consultation mechanism is critical in maintaining and building trust within the sector.
- On the matter of Industrial Relations, the Shire would like this sorted sooner rather than later so that the confusion does not continue regarding jurisdiction (State vs Federal).

As the submission has now been made to WALGA, the Acting CEO seeks Council's endorsement of the submission.

Submission to the Select Committee

The submission to the Select Committee is much more detailed than the feedback that was provided to the WALGA Draft Submission. In particular, the following elements were added:

Introduction

Provides a brief explanation of the Shire of Carnamah regarding the district and the local government itself.

Legislation

Comment is made reflecting that local government operates in a very heavily legislated environment. Also, since the introduction of the Act in July 1996, has become more prescriptive in nature.

Scope of Activities of Local Government

Addresses the matter of where local government sits constitutionally and therefore legally along with examples of how the Shire of Carnamah supports its communities and the other impacts that are experienced in providing services including the impact of cost shifting and the ever increasing challenge of larger vehicles on roads.

Department of Local Government

Further comment made on the matter of the amount of legislation that puts a responsibility on local government.

Role of Elected Members and Chief Executive Officers

Reference to a number of images that explain the structure of local government and how it works including:

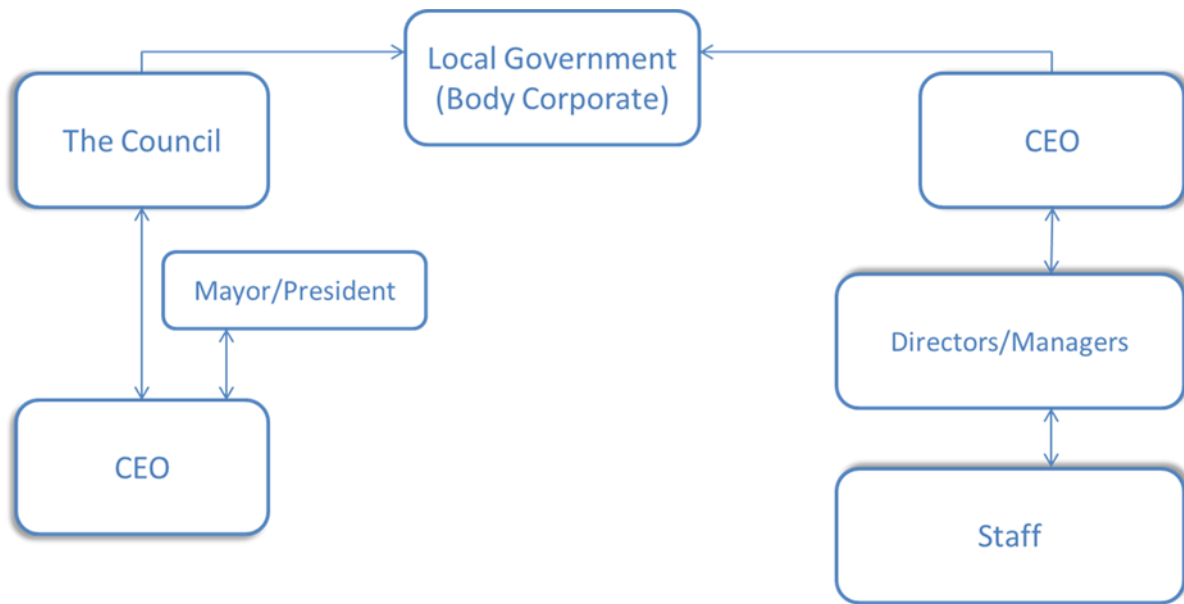


Image One: Structure of Local Government (Courtesy of WALGA)

Funding and Financial Management

The author clarified further the key sources of revenue including rates, fees and charges, service charges and loans. Also, other grant funds including Roads to Recovery and Regional Road

Group.

A detailed section on the challenges regarding financial management has been included regarding:

- Local governments do have options to undertake financial management including:
 - Outsourcing the financial reporting function to a service provider;
 - Outsourcing the financial processing and management function to a service provider;
 - Building capacity and capability through finance staff attending financial management workshops and other training provided by a number of service providers;
 - Undertaking attraction and retention strategies to source a suitably qualified and experienced person.
- Another key challenge is financial planning and reporting. Local Government is required to do the following:
 - Undertake monthly financial reporting to council i.e. prepare and endorse the monthly financial statements;
 - Undertake and prepare a budget each year for adoption by council;
 - Undertake and prepare a budget review after six months into the budget year;
 - Prepare the annual financial statements and undergo the corresponding annual audit. Many local governments also undergo an interim audit and also may be subject to a performance audit by the Office of the Auditor General;
 - Prepare and administer its asset management plans;
 - Prepare and report against the Long Term Financial Plan;

- Report against at least seven financial ratios, of which due to the constraints on how some data is allowed to be reported, skew the ratios and paint a picture there is a problem when there is not;
- Undertake a review of its financial management systems every three financial years that includes the review of the appropriateness and effectiveness of the financial management systems and procedures of the local government;
- Undertake a review (known as the Reg. 17 Review) every three financial years that deals with:
 - Risk management; and
 - Internal control; and
 - Legislative compliance.

Other Related Matters

Additional information on openness, transparency and accountability regarding the impact that Integrated Planning and Reporting has had and the striving for better engagement of the communities. The Shire also holds council meetings in both townships.

Conclusion

The author commented that both the President and the Acting CEO were more than happy to appear before the Select Committee regarding the Shire's submission.

CONSULTATION

Shire President

Hon Martin Aldridge MLC

Tony Brown, Executive Manager Governance and Organisational Services WALGA

Council at the July and August Briefing Sessions

STATUTORY ENVIRONMENT

The Select Committee into Local Government is one of the three types of committees that the State Parliament uses to assist it with its work. This particular select committee was established by the Legislative Council (Upper House) and consists of five bi-partisan representatives. The Select Committee will dissolve once it has finished its inquiry into Local Government.

WA Constitution Act 1889

52. Elected local governing bodies

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

Local Government Act 1995

Part 2 – Constitution of Local Government

This Part deals with the constitutional framework of the system of elected local government in this State maintained as required by Part IIIB of the Constitution Act 1889. This includes the role of Council and the Elected Members.

Part 5 — Administration

This Part deals with —

- (a) council meetings, committees and their meetings and electors' meetings; and
- (b) the employment of persons by local governments and matters relating to local government employees; and
- (c) annual reports and plans; and
- (d) the disclosure of financial interests in matters affecting local government decisions and in returns; and
- (e) public access to local government information; and
- (f) the limitation of the payment of fees, expenses and allowances to council and committee members, mayors and presidents; and
- (g) codes of conduct.

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Civic Leadership

Objective 4:

To be a professional, customer focussed organisation, which

- *effectively engages (with) the community to determine strategic direction,*
- *responsibly manages the organisation's assets and financial resources,*
- *is a strong advocate for the community.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.3

That Council:

- 1. Endorses the response prepared by the Acting CEO on the WALGA Draft Submission into Local Government submitted to WALGA on 13 August 2019 (Attachment 10.2.3.1).**
- 2. Authorises the Acting CEO to submit to the Select Committee into Local Government the Shire of Carnamah's submission (Attachment 10.2.3.2).**

- 11. ORDERING THE COMMON SEAL**

- 12. REPORTS OF COMMITTEES AND MEMBERS**

- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- 14. NOTICE OF MOTIONS**
(For consideration at the following meeting, if given during the meeting)

- 15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

- 16. CLOSURE OF MEETING**