



Date: 18 September 2019

**To: Shire President
All Councillors**

**Copy: Directors
Staff**

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Council Chambers on Tuesday 24th September 2019 commencing at 4.00 pm to consider and resolve on the matters set out in the attached Agenda.

A handwritten signature in black ink, appearing to read "D. Unsworth", is positioned above the name of the Chief Executive Officer.

**DEAN UNSWORTH
Chief Executive Officer**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
- 8.1 **ORDINARY COUNCIL MEETING – 27 AUGUST 2019**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 27 August 2019 be confirmed as being a true and correct record of proceedings.

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 TENDER – RFT 2019/06 – SUPPLY OF CONSTRUCTION GRADER AND OPERATOR	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, Director Technical Services; No Interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 11 September 2019	File No.: RFT2019/06
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

The purpose of this item is to recommend Council reject all Tenders received for the Tender 2019/06 – Supply of Construction Grader and Operator.

BACKGROUND/INITIAL COMMENTS

In previous years the Shire had been employing Charlie Eatts as final trim grader operator on an approximately six month per year basis during the construction season. Following the 2018/19 season, Mr Eatts retired and left the Shire. The position was then advertised however no suitable applicants were found.

Given this, the decision was taken to seek contractors who could supply a grader and an operator and a Tender was prepared to suit. Two submissions were received.

During the Tender process the vacancy was left open and advertised online and through this process the Shire received an additional application. This applicant has since been interviewed and has been offered the position of Team Leader Roads & Drainage (Final Trim) which has been accepted.

In light of this, the sourcing of plant and personnel to carry out this work via a Tender process is no longer required and as such the officer recommendation is to reject all Tenders received.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil



STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability” and fits within the SCP [5] sub-item 5.03 “Timely Renewal or Replacement of Assets”; 5.03.04 “Roads and Bridges – Maintenance”

FINANCIAL ISSUES/IMPLICATIONS

The 2019/20 budget contains funds to cover the employment and plant usage of an employee to fill the vacant position. Therefore there are no additional budget implications.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The tender process has been conducted as per the relevant sections of the Local Government Act 1995 and Council policy FIN009 ‘Purchasing and Procurement Polciy’.

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Nil

Appendices Attached:	No	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council, due to a successful application for the position of Team Leader Roads & Drainage (Final Trim), reject all Tender submissions received for RFT 2019/06 – Supply of Construction Grader and Operator.



9.2 DIRECTOR STRATEGIC DEVELOPMENT

Nil

9.3 EXECUTIVE MANAGER PLANNING & BUILDING SERVICES

9.3.1 ADOPTION OF AMENDMENT 41 TO THE SHIRE OF WAROONA LOCAL PLANNING SCHEME NO. 7	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long – Executive Manager Planning & Building Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Summers Brook Pty Ltd, Antonietta Pisconeri and Lynette Taylor
Date of Report: 9/9/2019	File No.: TPS7A41
Previous Reference:	N/A
Policy Implications:	State Planning Policy 7.3 – Residential Design Codes
Statutory Implications:	<i>Planning and Development Act 2005</i> <i>Environmental Protection Act 1986</i> Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Local Planning Scheme No. 7 1996
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 3 “Responsible Land Use Planning and Protecting Rural Land”	

PROPOSAL SUMMARY

Council is requested to consider the adoption of Amendment 41 to the Shire's Local Planning Scheme No. 7. Amendment 41 proposes to amend the density coding applicable to an existing survey strata development at 34 Thatcher Street, Waroona from R12.5 to R30.

A copy of the amending documentation is at **APPENDIX 9.3.1**.

BACKGROUND/INITIAL COMMENTS

The lot was initially coded R12.5/30 which coding permitted the subdivision (Survey Strata) of the lot. Based on this coding the landowner submitted an application for a Survey Strata, (application 342-07) which was approved by the WAPC on 4 February 2009, resulting in the creation of ten strata lots.

On 30 March 2010 Amendment 22 to Local Planning Scheme No. 7 was gazetted. Amendment 22 being an omnibus amendment, amended a number of aspects of the Waroona Local Planning Scheme No 7 which, included modifying the density codes of large portions of the Waroona Townsite. The gazettal of Amendment 22 inadvertently included recoding Lot 3 (No. 34) Thatcher Street from R12.5/30 to R12.5.

Single dwellings that comply with the Deemed-to-comply provisions of the Residential Design Codes are exempt from requiring Development Approval. However, as a consequence of the coding change it is unlikely that any single dwelling proposed within the



subdivision would be able to comply with the codes. Had the zoning not been changed it would be likely that any proposed single dwelling would be able to comply with the R-Code requirements and hence be exempt from requiring a Development Approval.

The amendment aims to return the density coding to its original coding being R12.5/30 which will promote the practical development of houses on the strata lots. The alignment of the existing lot sizes with the appropriate density coding will also ensure proper and orderly planning.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Preliminary discussions with the Department of Planning, Lands and Heritage have confirmed that the amendment is considered at an officer level to be a basic amendment for the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A basic amendment is considered to be an amendment which *inter alia* corrects an administrative error, which both Shire officers and Department of Planning officers agree is the case in this instance.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 3 “Responsible Land Use Planning and Protecting Rural Land”.

FINANCIAL ISSUES/IMPLICATIONS

Officer time associated with the preparation and processing of the amendment is included in the Shire’s existing operating expenditure.

POLICY ISSUES/IMPLICATIONS

The proposed amendment has been considered in terms of the following State Planning Policies and does not cause any inconsistency with the state planning framework:

- State Planning Policy 7.3 – Residential Design Codes

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The proposed amendment has been assessed against the following statutory documents, with no implications identified.

- *Planning and Development Act 2005*
- *Environmental Protection Act 1986*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

LEGAL ISSUES/IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Community consultation is not required for a basic amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Discussions have been held with all owners of the lots subject to the proposed amendment, with written statements of support received from all.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

As outlined in the report the Amendment has come about due to an administrative error that occurred during the preparation and subsequent gazettal of Amendment 22. The outcome of this amendment will merely return the R-Coding back to its original coding and will ensure the development of the strata lots are appropriate to its size.

Appendices Attached:	Yes	Appendices Numbers:	9.3.1
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VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

1. That in relation to proposed Scheme Amendment 41 to the Shire of Waroona Local Planning Scheme No. 7 to amend the density coding applicable to properties at Lot 3 (34) Thatcher Street, Waroona, and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to;
 - a) adopt Scheme Amendment 41 to the Shire of Waroona Local Planning Scheme No. 7 1996 in accordance with APPENDIX 9.3.1 as a basic amendment, for the following reason:
 - i. At the time the Survey Strata was approved by the WAPC the density coding of the lot was R12.5 / R30. The R30 coding permitted the Survey Strata as approved.
 - ii. As part of Amendment 22 to the Shire of Waroona Local Planning Scheme No. 7, the lot was inadvertently coded R12.5, a density coding which would not permit the approved Survey Strata;
 - b) refer the above Scheme Amendment to Local Planning Scheme No.7 to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005*;
 - c) authorise the Chief Executive Officer and Shire President to execute the Scheme Amendment documents; and
 - d) forward the Amendment documents to the Western Australian Planning Commission.



9.3.2 LEGAL PUBLIC ACCESS OVER LAKE NAVARINO DAM WALL	
Reporting Officer / Officer's Interest:	Leonard Long, Executive Manager Planning & Building Services; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building Services; No Interest
Proponent:	Not Applicable
Landowner:	Water Corporation
Date of Report: 10/9/2019	File No.: 132/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Land Administration Act 1997
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

Council is requested to support the formalisation of public access over the Lake Navarino dam wall and delegate the Chief Executive Officer to negotiate with the Water Corporation Western Australia.

BACKGROUND/INITIAL COMMENTS

Current access arrangements in the vicinity of Lake Navarino do not include formalised legal access across the dam wall. The subject land is currently owned by Water Corporation, with informal access provided via a constructed road over the dam wall.

A plan showing the existing access arrangement around Lake Navarino is at **APPENDIX 9.3.2**.

Officers have been in discussion with the Water Corporation regarding the potential to formalise access over the dam wall via the creation of a road, easement or other such mechanism to ensure that residents and visitors to the area have formal access.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 "Active Civic Leadership, Good Governance, & Excellence in Management".

FINANCIAL ISSUES / IMPLICATIONS

The formalisation of the road over the dam wall may be complex and needs to ensure that the Shire will not be responsible for any maintenance or the like of the dam wall. As such any agreement would need to be referred to the Shire's solicitors.

POLICY ISSUES / IMPLICATIONS



Nil.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Any potential request for the creation of a road, easement or other such mechanism for access will require the endorsement of Council prior to execution.

LEGAL ISSUES / IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

Not required for this item.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The lack of formalised access over the dam wall of Lake Navarino is seen as a potential risk to public safety in the event of an emergency, it also poses potential risk to the Water Corporation in relation to liability in the event of injury occurring as part of the current informal access arrangements.

It is therefore recommended that the Chief Executive Officer be delegated authority to negotiate the arrangement of formal access over the dam wall.

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

That Council:

- 1. supports the formalisation of legal public access over the Lake Navarino dam wall subject to the Shire not being responsible for the cost of the maintenance and associated infrastructure of the road; and**
- 2. delegates the Chief Executive Officer to negotiate with the Water Corporation Western Australia on behalf of Council an agreement to provide legal public access over the Lake Navarino dam wall.**

9.3.3 PRESTON BEACH FORESHORE MANAGEMENT PLAN REVIEW – ENDORSEMENT OF STEERING COMMITTEE	
Reporting Officer / Officer's Interest:	Sarah Park, Environmental Technical Officer; Nil
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building Services; Nil
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 13/09/2019	File No.: GC2019079
Previous Reference:	Nil
Policy Implications:	State Planning Policy 2.6 Coastal Planning Policy
Statutory Implications:	Planning and Development Act 2005
Strategic Implications:	Nil
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to nominate one Councillor and a minimum of one and maximum of two community member(s) to sit on the Steering Committee for the Preston Beach Foreshore Management Plan Review.

BACKGROUND / INITIAL COMMENTS

The cost to review the Shire's current Foreshore Management Plan is estimated to be approximately \$55,000. In July 2019, the Shire was awarded a grant of \$30,000 from the Department of Planning, Lands and Heritage under the Coastal Management Plan Assistance Program (CMPAP) grants. The grant funding was subject to the Shire committing \$25,000 towards the project, which has been approved through the adoption of the 2019/20 budget.

Under Section 4 Special Conditions of the agreement, a steering committee will need to be formed as stated below:

4. (a) Steering Committee

- (i) *The Grantee must form a Steering Committee consisting of no less than two (2) representatives of the Grantee, minimum of one (1) Grantor Representative, and minimum of one Community Representative.*
- (ii) *The Steering Committee is to meet as required to perform its functions set out in Schedule 3.*

Under Schedule 3 of the agreement, the Steering Committee is to perform the following functions:

1. FUNCTIONS

- a) *Deliver guidance and oversight on, and make decisions in relation to, all aspects of the Project, including but not limited to:*
 - *Reviewing Scope of Works*



- *Assessment of Tenders (through recommendations of the Tender Assessment Panel) (Officer note: Due to the value of the contract a tender process is not required)*
 - *Provide discussion on the methodology for each milestone (as required)*
 - *Make recommendations on the project objectives and outcomes*
 - *Reviewing project deliverables including the Community and Stakeholder Engagement Plan, chapter reports, draft and final plan*
 - *Attend meetings as required.*
- b)** *The Steering Committee is to provide guidance and oversight however in the event of a dispute, the Shire of Waroona have the final decision.*
- c)** *Minutes and agendas are to be prepared for each meeting, as set out in Clause 3 (b) (iv).*

2. ROLES

The role of the Steering Committee is to provide technical coastal and planning skills to the Grantee and ensure the project progresses in line with milestone reports and progress reports.

A Schedule of Expressions of Interest can be seen at **Appendix 9.3.3**.

A coastal management plan was prepared by Forestec Pty Ltd in 1990. Many of the recommendations were implemented over the following ten years as well as considerable on-ground works including dune brushing and revegetation.

In 2001, the Preston Beach Progress Association, in conjunction with the Shire of Waroona, commissioned CoastWise Coastal Planning and Management to review the previous plan and to prepare a new Foreshore Management Plan for the Waroona Coast. This plan was funded by a Coastwest/Coastcare grant.

The foreshore management plan requires continual evaluation to include current knowledge, best available science and community expectation. The success of the current plan is measured through review and identified gaps will be included in the update.

The update of the Preston Beach Foreshore Management Plan 2002 will take into account factors such as coastal processes, public access and Indigenous heritage. It will set out requirements for coastal foreshore reserves; public access and facilities, protection of the natural landscape, indigenous heritage and ecological systems. And will provide guidelines for development addressing form and scale, foreshore management including financial responsibilities and coastal hazard risk management and adaptation.

It's expected that this project will be carried out over the next two years.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 3 Land Use: Responsible Land Use Planning, and Protecting Rural Land.



FINANCIAL ISSUES/IMPLICATIONS

The Council's contribution of \$25,000 to the project forms part of the adopted 2019/20 annual budget.

POLICY ISSUES/IMPLICATIONS

State Planning Policy 2.6 Coastal Planning Policy

The objectives of the Policy are as follows:

1. ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
2. ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
3. provide for public coastal foreshore reserves and access to them on the coast; and
4. protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

Sections 5.10 Coastal strategies and management plans, states when a Foreshore Management Plan should be prepared.

“(i) Ensure that at rezoning, structure planning, subdivision, strata subdivision or development – whichever arises first and is appropriate in scale, a coastal planning strategy or coastal foreshore management plan is prepared and implemented, by the local government and/or proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.”

“(v) A coastal planning strategy or foreshore management plan should address as a minimum, the matters set out in the Coastal Planning Policy Guidelines.”

A 'coastal or foreshore management plan' is defined under the Policy as the following:

“a local scale plan, designating areas for various purposes such as public access, car parks, toilets and surf life saving club rooms, and providing advice on management needs. Foreshore management plans tend to deal with a smaller area, be more detailed and are prepared as part of a planning approval process or ongoing maintenance or upgrading program.”

Section 6. Implementation, states how the Policy is implemented.

“Implementation of this Policy will be through related state planning policies, regional strategies, local planning strategies and regional and local planning schemes. Implementation will also occur through the day to day process of decision-making on zoning, structure plans, subdivision, strata subdivision and development applications, and the actions of other state agencies in carrying out their responsibilities. New or amended region or local planning schemes should be consistent with the objectives, policy and guidelines contained in this Policy. Local governments and state agencies should take account of this Policy to ensure integrated decision-making.”

Under Section 9.1 Coastal Plan Requirements, the update of the Preston Beach Foreshore Management Plan 2002 will take into account factors such as:



- (i) take into account —
- coastal processes
 - coastal hazards
 - landform and stability
 - natural vulnerability
 - climate change
 - ecological values
 - water quality
 - recreation and public access
 - marine resource use and access
 - landscape, seascape and visual landscape
 - indigenous heritage
 - cultural heritage
 - land capability.
- (ii) set out requirements for —:
- coastal foreshore reserves
 - location and extent of public use, access and facilities
 - integration of coastal/marine planning and land use planning
 - protection of significant views and vistas
 - protection of significant natural landscapes
 - protection of significant indigenous heritage
 - protection of significant cultural heritage
 - protection of ecological systems
 - protection of threatened species and ecological communities.
- (iii) provide guidelines and criteria for development addressing —
- form and scale of development
 - foreshore tenure and management
 - location, form and land use within development nodes
 - wastewater
 - stormwater and water sensitive urban design
 - coastal hazard risk management and adaptation
 - financial responsibilities for ongoing maintenance and management of foreshore
 - areas including any foreshore protection structures.

State Planning Policy No. 2.6 State Coastal Planning Policy Guidelines

Under Section 4.7 Management Authority of the Guidelines,

“Management authorities should consider developing and implementing coastal hazard risk management and adaptation plans to enable them to prepare for and reduce or manage the impact of these risks on their operations and practices.”

Policy Fin009 – Purchasing & Procurement Policy.

A consultant will be engaged to conduct further community consultation and update the management plan. It's estimated that the project will cost approximately \$55,000. Under the Shire of Waroona Purchasing and Procurement Policy, two written quotes are required

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Planning and Development Act 2005



Under Section 77 of the Act, local governments, when preparing or amending a local planning scheme, are to have due regard to this State Coastal Planning Policy where it affects its district.

LEGAL ISSUES/IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Waroona community groups were consulted through letters sent to the listed contacts under the Community Directory. Posters were displayed at the Shire of Waroona Administration Building, Library, Recreation Centre, Preston Beach General Store and Preston Beach Community Centre. Information regarding the project and requirement for committee members was also advertised on the Shire website.

The advertising material requested that interested community member's forward expression of interest in writing outlining relevant skills for the project. Expressions of interest were open between 2 September 2019 and 13 September 2019. Five expression of interest were received.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

An update to the Preston Beach Foreshore Management Plan 2002 will improve long term physical and cultural asset management of the Preston Beach coastline. The update will identify the current status of the local coastline, indigenous heritage, cultural heritage and land capacity.

The Preston Beach physical and cultural assets provide important habitat and tourism opportunity for the local area. Preston Beach is important to the tourism industry in the Shire of Waroona and is well known throughout Western Australia as a tourism destination, popular for four wheel driving and beach fishing.

The management plan is required to be reviewed to identify the current status of the area, establish new goals and objectives for the future management of the area, determine how these goals will be achieved and how they will be prioritised and to measure the success of the current management plan.

The objectives of the Management Plan will be achievable in the short term, medium term and long term. The management plan should remain in effect for approximately 10 years, with annual reviews. The objectives of this review are to:

- Improve management of the area, including improved use of financial and staff resources.
- Improve sustainable tourist use of the area.
- Ensure management of the coastline is consistent with state government frameworks, including SPP2.6 Coastal Planning, in order to ensure integrated decision making.
- Increase accountability for management of the area to assist in meaningful protection and maintenance of coastal environmental values.
- Increase community participation in setting the long-term goals and management of the area to further build the capacity of the local community involvement in coastal management.

The project will be managed by officers of Shire of Waroona under direction from the Steering Committee.

Three of the five interested community members reside in Preston Beach.



Community member 4 (resides in Preston Beach), has engineering credentials and a work history that includes coastal projects. Community member four has relevant skills to this project and is therefore recommended to sit on the steering committee.

Community member 5 (resides in Preston Beach) has a working history in horticulture and has relevant knowledge of the local area.

A brief description of all the Schedule of Expressions of Interest can be seen at **APPENDIX 9.3.3.**

The composition of the Steering Committee will be:

- One Councillor
- Two Community Members
- (min) Two Shire of Waroona staff members
- (min) One Department of Planning, Lands and Heritage representative.
-

Appendices Attached:	Yes	Appendices Numbers: 9.3.3
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in relation to the appointment of the Preston Beach Foreshore Management Plan Review Steering Committee, Council resolves to:

- 1. appoint community members 4 and 5 to the Preston Beach Foreshore Management Plan Steering Committee;**
- 2. appoint Councillor as a representative of Council to the Preston Beach Foreshore Management Plan Steering Committee; and**
- 3. authorise the Chief Executive Officer to execute the Funding Agreement.**

9.3.4 REQUEST FROM THE PRESTON BEACH PROGRESS ASSOCIATION FOR THE BALANCE OF FUNDS ALLOCATED TO THE CONSTRUCTION OF THE PRESTON BEACH COMMUNITY CENTRE.	
Reporting Officer / Officer's Interest:	Leonard Long, Executive Manager Planning & Building Services; No Interest
Responsible Officer / Officer's Interest	Leonard Long, Executive Manager Planning & Building Services; No Interest
Proponent:	Not Applicable
Landowner:	Shire of Waroona
Date of Report: 15/9/2019	File No.: 115/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

A request has been received from the Preston Beach Progress Association (PBPA) for the funds that were not expended by Council on the construction of the Preston Beach Community Centre to be given to the PBPA to purchase a commercial grade, high quality integrated audio visual system (**APPENDIX 9.3.4A**). The request is not supported by officers.

BACKGROUND/INITIAL COMMENTS

Grants for the construction of the Preston Beach Community Centre to the amount of \$654,565 was received from Building Better Regions (\$95,000), Lotteries Commission (\$234,565), and Royalties for Regional (\$225,000), Alcoa Sustainability Fund (\$50,000), and Election Commitment (\$50,000). In addition to these grants Council committed an additional \$95,845 (\$38,363 Council Reserve, \$57,482 Council funds).

The scope of the grants received was to provide the Preston Beach Community with a completed Community Centre, with the Lotteries Commission committing an amount of \$5800 towards furniture and the fitout of the kitchen. This amount was not sufficient to cover the costs of the items requested by the Progress Association which included blinds to the value of \$3,869, tables and chairs to the value of \$6,668.

The total cost of the construction of the Preston Beach Community Centre was \$699,441 (**APPENDIX 9.3.4B**), which included Shire assisting the Progress Association with an amount of \$4,737 to purchase the requested tables and chairs.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 “Active Civic Leadership, Good Governance, & Excellence in Management”.

FINANCIAL ISSUES / IMPLICATIONS

A total of \$750,410 was allocated from grants as well as funds from Council to construct the Preston Beach Community Centre. The final expenditure amounted to \$699,441 which left an unexpended amount of \$50,969.

The unspent funds at the end of 2018/19 financial year formed part of Council's year end surplus. These funds were then allocated in the 2019/20 budget. Should Council resolve to assist the PBPA to purchase an audio visual system which has been initially priced at \$40,000 - \$53,000, the funds would need to come out of the adopted 2019/20 budget by way of a budget amendment.

However, should Council resolve to assist the PBPA, Council will need to provide direction to officers as to which funded projects will be deferred / cancelled to free up the funds for the audio visual system. These projects would have to be re-budgeted for in the 2020/21 budget.

POLICY ISSUES / IMPLICATIONS

Nil.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Local Government Act 1995

LEGAL ISSUES / IMPLICATIONS

See statutory issues.

COMMUNITY CONSULTATION

Not required for this item.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The scope of the grants as well as the funds allocated by Council was for the construction of the Preston Beach Community Centre as well as the fitout of the kitchen. Council also assisted the PBPA with an amount of \$4,737 for the purchase of furniture for the centre.

The Shire complied with the scope and managed to keep the construction of the centre within budget and with an unexpended amount of \$50,969. Notwithstanding the proposed contribution from the PBPA towards the audio visual system there will still be negative impact on the current 2019/20 budget. Further, the Shire has other community buildings that are in need of urgent repair i.e. Library roof needs to be replaced, Memorial Hall roof sheeting needs to be replaced, the concourse around the pool needs to be replaced all of which will need to be budgeted for future financial years.

Appendices Attached:	Yes	Appendices Numbers:	9.3.4A &B
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VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That Council:

- 1. Supports in principle the Preston Beach Progress Association, however advises that the 2019/20 budget does not make allowance to provide funds towards a commercial grade, audio visual system.**
- 2. Encourages the Association to raise 50% of the cost of the audio visual system and then submits an application to the next round of the Alcoa Waroona Sustainability Fund, and that at least two current quotations be provided.**
- 3. Suggests that contact be made with Lotterywest for a potential funding application to be made for the audio visual system.**

9.3.5 LOT 224 - SOUTH WESTERN HIGHWAY, WAROONA – REVOCATION OF PLANNING CONSENT FOR MOBILE FOOD VENDING BUSINESS	
Reporting Officer / Officer's Interest:	Leonard Long, Executive Manager Planning and Building; Nil
Proponent:	Nadia & Derek Burgess (Na'Dees Cuisine)
Landowner:	Water Authority of W.A.
Date of Report: 19/09/2019	File No.: TP2104
Previous Reference:	OCM 19/08/092
Strategic Implications:	Local Planning Strategy 2009
Financial Implications:	See section
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to consider revoking it's decision to approve the mobile food vending business on Lot 224 (No. 35) South Western Highway, Waroona.

BACKGROUND / INITIAL COMMENTS

Lot 224 (No. 35) is owned by the Water Corporation. The mobile food vending business (Na'Dees Cuisine) proposed to sell curries, salads, pickles, breads and soft drinks from the above lot Monday-Friday between the hours of 10am and 4pm.

At its Ordinary Council Meeting of 27 August 2019 Council resolved as follows:

'COUNCIL RESOLUTION
OCM19/08/092
MOVED: CR MASON
SECONDED: CR PURCELL

That in relation to the application for planning consent for Mobile Food Vending Business at Lot 224 South Western Hwy, Waroona, Council resolves to approve the application for planning consent for Mobile Food Vending Business, subject to the following conditions:

1. *The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Shire of Waroona.*
2. *Times of operation for the mobile food van shall be limited to Mondays to Fridays between the hours of 10:00 am and 4:00 pm.*
3. *This planning consent shall expire at the end of six (6) months from the notice of approval*

CARRIED 8/0'

Following the approval of the application the Shire President and officers met with a number of concerned business owners. The meeting outlined potential impacts that the mobile food vending business may have on local businesses.



These impacts were discussed with the owner of the mobile food vending business who were disappointed but agreed that they would no longer bring the mobile food vending business to Waroona.

PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy 2009 (LPS)

The subject lot is designated as Mixed Use and located within the Townsite Precinct. Council's objective is to provide for a mix of residential and compatible service industries, including opportunities for live/work lots.

REFERRALS

Nil

INTERNAL REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Community Plan 2017/18-2026/27

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

Should Council resolve to revoke the August approval, the various application fees will be refunded to the applicant.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

- *Local Government (Administration) Regulations 1996, Regulation 10*
- Shire of Waroona Local Laws – Standing Orders clause 19 – Revoking or Changing Decisions.

LEGAL ISSUES/IMPLICATIONS

Although the revocation of the approval has been discussed with the applicant, the applicant does have the right to appeal the decision at the State Administrative Tribunal.

COMMUNITY CONSULTATION

The original application was advertised in accordance with Clause 64, Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Letters were also sent to two affected owners for comment between 21st June and 5th July 2019. One objection was received, however, following the approval the other affected owner contacted



officers to advise that no letter was received and that they would certainly have objected to the proposal.

Whilst officers are confident that the required consultation process was followed it may be that one of the affected owners did not receive a letter, which is out of the control of officers.

As indicated in the report, following the Council approval of the application a meeting was held between a number of business owners, Shire President and officers to discuss the process followed. The business owners also provided feedback on the impact a mobile food vending business would have on the existing businesses in town.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

Whilst officers remain of the opinion that it is necessary for the growth of the town to encourage additional services and providers. Alternative incubator methods will be investigated, that may have less of an impact on the existing businesses in town.

Appendices Attached:	No	Appendices Numbers:
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MOTION TO REVOKE - VOTING REQUIREMENTS

In terms of clause 19.1(b) of the Shire of Waroona Local Laws at least one third (3) of the number of offices (whether vacant or not) of members of the Council must support the motion to revoke the item.

PART A

OFFICER RECOMMENDATION

That Council accepts a motion to revoke item OCM19/08/092 at the Ordinary Council Meeting of 27 August 2019.

Should the one third (3) not be achieved in Part A above, Part B of the resolution cannot proceed.

PART B

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That in relation to the Council approval of Item OCM19/08/092 at the Ordinary Council Meeting of 27 August 2019, relating to the Mobile Food Vending Business at Lot 224 South Western Hwy, Waroona, Council resolves to:

- a) revoke, its previous approval of Item OCM19/08/092; and**
- b) refund any application fees paid to the Shire by the applicant pertaining to the Mobile Food Vending Business.**

9.4 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES

9.4.1 PAYMENT LISTING FOR THE MONTH OF AUGUST 2019	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 16/9/19	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, & Excellence in Management”	

PROPOSAL SUMMARY

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of August 2019.

BACKGROUND / INITIAL COMMENTS

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

FINANCIAL ISSUES/IMPLICATIONS

Nil



POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 13

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

All payments made from Council's Municipal and Trust account were completed in accordance with the adopted budget.

That Council receive the payment listing for the period as per the appendices.

Appendices Attached:	Yes	Appendices Numbers:	9.4.1
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Vouchers numbered:

<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 9250 - 9272	\$22,551.47
Trust (Cheque/EFTs)	Chq: 11226-11227 EFT30588, 30615	\$576.60
Electronic Transfers Municipal Fund	EFT 30547 to 30718	\$364,345.44
Direct Wages	01/08/19 – 31/08/19 inclusive	\$179,088.20
Direct Debits	01/08/19 – 31/08/19	\$38,109.44
GRAND TOTAL:		<u>\$604,671.15</u>

and attached at Appendix 9.4.1 be endorsed.



9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2019 TO 31 AUGUST 2019	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services; Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 16/9/2019	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): <i>No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

BACKGROUND / INITIAL COMMENTS

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust

- o Note 13 - Borrowings

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

FINANCIAL ISSUES/IMPLICATIONS

Nil

POLICY ISSUES/IMPLICATIONS

Accounting policies - Policy 3.1.1 to Policy 3.1.7

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 34

LEGAL ISSUES/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

That Council receive the monthly statement of financial activity for the period as per the appendices.

Appendices Attached:	Yes	Appendices Numbers:	9.4.2
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2019 to 31 August 2019 as presented.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 ESTABLISHMENT OF CEO RESOURCE SHARING COMMITTEE	
Reporting Officer / Officer's Interest:	Dean Unsworth, Chief Executive Officer No Financial Interest in the establishment of this Committee
Responsible Officer / Officer's Interest	Dean Unsworth, Chief Executive Officer No Financial Interest in the establishment of this Committee
Proponents:	Waroona and Murray Shire Councils
Landowner:	N/A
Date of Report: 16 September 2019	File No.: 184/1
Previous Reference:	SCM19/08/084 Item 12.1 of Special Council Meeting held 13 August 2019
Policy Implications:	<i>Nil.</i>
Statutory Implications:	<i>Nil</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):	
<i>No.5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management</i>	

PROPOSAL SUMMARY

This report is presented to Council to formalise the CEO Resource Sharing Committee (CEORSC), which will guide the broad direction, performance measurement of the CEO's joint role. It is not intended that this Committee however manages the performance of the CEO in terms of his direct relationship with each individual Council, as this can only be managed on an individual basis. Rather, this Committee is to set the direction of the joint role where there are shared objectives and outcomes.

BACKGROUND / INITIAL COMMENTS

With the recent announcement that the Shire of Waroona Chief Executive Officer will be retiring later in 2019, discussions have been held between the Shires of Murray and Waroona in terms of the opportunity to increase the resource sharing between the two Shires.

Already, there is significant trust and goodwill between the two organisations, fostered through successful resource sharing in the areas of Information Technology, Ranger Services and the Environmental Health function. There has been other more ad-hoc formal resource sharing, for example building services.

When the Waroona CEO advised of his retirement, the Shire Presidents of both local governments met to discuss if there was potential of further resource sharing through the appointment of a joint CEO.

Following these discussions, they both agreed to take the concept to each individual Council to discuss and discover if there was informal support to pursue the concept.



After these individual meetings, six Councillors from Waroona interviewed the CEO by way of a presentation and discussion. The Shire President and Deputy President from Murray attended.

Following this presentation, further discussions by Councils individually gave in-principle support for the proposal and requested that this concept be developed by way of a Resource Sharing Agreement (RSA) by McLeods Solicitors to ensure all legal requirements were met, and that this agreement establish the framework for how it is to be administered.

At a Council workshop held on 2 September 2019, it was informally agreed that Cr Laurie Snell would be the third Councillor to join the Shire President and Deputy Shire President at the inaugural meeting. With the Council elections to be held in 19 October 2019, this item should come back to Council for reconsideration as fair due process.

PLANNING – STRATEGIC IMPLICATIONS

Nil.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

- *No.5 Asset Management and Financial Sustainability: Provision of functional Assets to support services, involving built/acquired assets, & Infrastructure; Financial Proficiency & Sustainability*
- *No 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management*

FINANCIAL ISSUES/IMPLICATIONS

There is minimal cost in establishing this Committee. The Resource Sharing Agreement will save Council significant funds, directly through the sharing of one CEO but also potentially in other service areas over time.

POLICY ISSUES/IMPLICATIONS

The Resource Sharing Agreement endorsed by Council on 13 August and executed on 21 August 2019 effectively is the guiding Policy document in terms of the function of this Committee.

The CEORSC's purpose will be to -

- (a) regularly review the operation of the Resource Sharing Arrangement;
- (b) regularly review the performance of the CEO in implementing the Resource Sharing Arrangement;
- (c) provide advice and guidance to the CEO on implementing the Resource Sharing Arrangement; and
- (d) refer any requests or requirements for mediation to the mediation committee.

The CEORSC must develop and monitor KPI's for the CEO against which to measure his performance in implementing the Resource Sharing Arrangement.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil.



LEGAL ISSUES/IMPLICATIONS

All legal issues have been covered in the attached Resource Sharing Agreement, which was adopted at the Special Council Meeting held

COMMUNITY CONSULTATION

While there is no consultation required, a media release promoting this action could create a positive response from the community.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

It should be noted that the CEO will have three (3) sets of Key Performance Indicators (KPI) – one each for Waroona and Murray, and a third overarching set of KPI's that relate specifically to the joint CEO initiative.

It is acknowledged that the make-up of this Committee could be different given that there will be local government elections on 19 October 2019, however it was felt that this Committee should be established as soon as possible after the commencement of the CEO to provide early direction for the role.

Appendices Attached:	N/A	Appendices Numbers:
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. endorses Cr Snell to join the Shire President and Deputy Shire President in forming the CEO Resource Sharing Committee, with the first meeting to be held on 1 October 2019 at 10.30am at the Shire of Murray; and**
- 2. reconsiders the membership of the Committee at the October 2019 Council meeting following the Local Government elections.**

10. CONFIDENTIAL REPORTS

Nil.

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN,
OR FOR CONSIDERATION AT NEXT MEETING**

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING