



**AGENDA**

**FOR THE**

**ORDINARY MEETING**  
**OF COUNCIL**

**TO BE HELD ON**

**TUESDAY, 28 AUGUST 2018**

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

# NOTICE OF MEETING

PLEASE BE ADVISED THAT THE  
  
ORDINARY MEETING OF COUNCIL  
  
COMMENCING AT 5.00PM

WILL BE HELD ON  
  
TUESDAY, 28 AUGUST 2018

IN THE COUNCIL CHAMBERS, AT  
11-13 WALDECK ST, DONGARA WA



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Shane Ivers  
(Acting) Chief Executive Officer

24 August 2018

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## **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS AT 11-13 WALDECK STREET, DONGARA ON TUESDAY, 28 AUGUST 2018 AT 5.00PM

<b>PRESENT:</b>	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr A J Gillam Cr S F Gumley Cr M Leonard Cr I Scott Cr I F West Cr K L Wilson
	Staff	Mr S D Ivers – Acting Chief Executive Officer Mr B P Jeans – Manager Regulatory Services Ms N Nelson – Manager Community Capacity Mrs H Sternick – Manager Customer Services Mr P Traylen – Acting Manager Technical Services Mrs D K Chandler - Coordinator Executive Services
	Apologies	

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- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
  - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
  - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

*The Shire President requested that it be noted, in accordance with the Shire of Irwin's Meeting Procedures Local Law 2016, Council encourages members of the public to raise operational matters through administration and will be directed to do so in future. Council will also not respond to any matters that have already been raised at a previous meeting, although significant new information can be brought forward.*

*Members of the public are asked to please give careful consideration to how a question is worded and ensure that it is clear and concise. Questions and answers may be summarised for the minute record.*

Adrian Cachard of Sheoak Road, Springfield was present to address Council, on behalf of him and Karen Cachard and Russell and Janelle Keene. Adrian advised Council that his son Noah Cachard and Russell and Janelle Keene's son, Mitchell Keene, placed 2<sup>nd</sup> and 5<sup>th</sup> respectively in the State Cross Country Championships and have been selected to represent WA in the Australian All School Cross Country Championships in Queensland 23 to 27 August 2018. Fundraising has been ongoing to help cover approximately \$2,000 for travel plus \$450 for compulsory uniforms as well as costs associated with several trips to and from Perth for training. Adrian said that his request for financial assistance has not been supported by the Shire even though funds were made available last year for similar situations. Adrian's question to Council is: Why is there no support and will this be ongoing as there will be lots of kids coming up through the ranks in elite sports that may require assistance. He understands that financial support may not be possible, but perhaps the Shire could investigate other forms of

support such as free gym membership or a small financial gesture to demonstrate to the kids that their achievements are recognised.

Response: Both the Cachard and Keene families have received \$400 each in accordance with Council's policy for Travel Subsidy Assistance for Elite Athletes. Future applications for financial assistance will be determined as per the allowances within the adopted annual budget.

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. PETITIONS AND DEPUTATIONS**

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JULY 2018**

A copy of the Minutes of the Ordinary Council Meeting held on 24 July 2018 has been provided to all Councillors under separate cover.

**COUNCIL MOTION:**

**MOVED: Cr \_\_\_\_\_**

**SECONDED: Cr \_\_\_\_\_**

**That the Minutes of the Ordinary Council Meeting, held on 24 July 2018, be confirmed as a true and accurate recording of that meeting.**

**7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 14 AUGUST 2018**

A copy of the Minutes of the Special Council Meeting held on 14 August 2018 has been provided to all Councillors under separate cover.

**COUNCIL MOTION:**

**MOVED: Cr \_\_\_\_\_**

**SECONDED: Cr \_\_\_\_\_**

**That the Minutes of the Special Council Meeting, held on 14 August 2018, be confirmed as a true and accurate recording of that meeting.**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

## 9.1 OFFICER REPORTS

### CUSTOMER SERVICES

CS01 – 08/18

**Subject:** Accounts for Payment  
**Reporting Officer:** Finance Officer/Manager Customer Services  
**Responsible Executive:** Acting Chief Executive Officer  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

#### Council Role:

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

#### Report Purpose:

To receive the list of accounts paid under delegated authority during July 2018.

#### Officer's Recommendation:

That Council receives the Accounts paid during July 2018 as presented in Attachment Booklet – August 2018, represented by:

Payment Type/Numbers	Total Amount
EFT 22927 – 23029	\$1,004,463.53
Muni Cheques - 31756 – 31769	\$64,556.92
Direct Debit – Solar Panel Repayments 07/18	\$1,947.66
Direct Debit – Superannuation	\$32,692.85
Direct Debit - Transport – PL280618 – PL270718	\$85,628.95
<b>Grand Total</b>	<b>\$1,189,289.91</b>

#### Attachment:

[Accounts for Payment – July 2018](#)

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of July 2018.

#### Officer's Comment:

Nil

**Stakeholder Engagement:**

Nil

**Financial / Resource Implications:**

Nil

**Statutory Environment:**

*The Local Government (Financial Management) Regulations 1996 provides as follows:*

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
  - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
    - (a) *the payee's name;*
    - (b) *the amount of the payment;*
    - (c) *the date of the payment; and*
    - (d) *sufficient information to identify the transaction.*
  - (3) *A list prepared under sub-regulation (1) or (2) is to be —*
    - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
    - (b) *recorded in the minutes of that meeting.*

**Policy Implications:**

Under Delegation CEO3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

**CUSTOMER SERVICES**

**CS02 – 08/18**

**Subject:** Adoption of the 2018/19 Budget  
**Reporting Officer:** Manager Customer Services  
**Responsible Executive:** Acting Chief Executive Officer  
**File Reference:** FM.BU.18.19  
**Voting Requirements:** Absolute Majority

**Council Role:**

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

**Report Purpose:**

To consider and adopt the Shire of Irwin Budget for 2018/19 financial year, including imposition of rates and minimum payments, setting of elected members fees for the year and other consequential matters arising from the budget papers.

**Officer's Recommendation:**

**That Council, by absolute majority:**

**PART A – MUNICIPAL FUND BUDGET FOR 2018/19**

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the Municipal Fund Budget, as presented in Attachment Booklet – August 2018 under separate cover, for the Shire of Irwin for the 2018/19 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 1 showing a net loss result for that year of \$718,600;
- Statement of Comprehensive Income by Program on page 3 showing a net loss result for that year of \$718,600;
- Statement of Cash Flows on page 5;
- Rates Setting Statement on page 6 showing an amount required to be raised from rates of \$5,175,300;
- Notes to and forming part of the budget on pages 7 to 23; and
- Supplementary information on pages 24 to 26.

**PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

1. For the purpose of yielding the deficiency disclosure by the Municipal Fund Budget adopted at Part A above, pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* imposes the following differential general rates and minimum payments on Gross Rental and Unimproved Values.



**1.1 General Rates**

- Residential (GRV) 10.3473 cents in the dollar
- Commercial/Industrial (GRV) 10.3473 cents in the dollar
- Rural (UV) 1.3135 cents in the dollar
- Mining (UV) 17.5726 cents in the dollar

**1.2 Minimum Payments**

- Residential (GRV) \$999.00
- Commercial/Industrial (GRV) \$999.00
- Rural (UV) \$999.00
- Mining (UV) \$999.00

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date	8 October 2018
2 <sup>nd</sup> half instalment due date	7 December 2018
2 <sup>nd</sup> quarterly instalment due date	7 December 2018
3 <sup>rd</sup> quarterly instalment due date	7 February 2019
4 <sup>th</sup> and final quarterly instalment due date	8 April 2019

3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and services charges) through an instalment option of \$5 for each instalment after the initial instalment is paid (i.e. 3 x instalments = \$15.00).

4. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

**PART C – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2018/19**

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President	\$10,000
Councillors	\$7,612

2. Pursuant to Section 5.98(5) of the *Local Government Act 1995*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Shire President	\$10,000
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3. Pursuant to Section 5.98A of the *Local Government Act 1995*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy Shire President	\$2,500
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**PART D – MATERIAL VARIANCE REPORTING FOR 2018/19**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2018/19 for reporting material variance shall be 10% or \$10,000, whichever is the greater.

**Attachment:**

[2018/19 Budget](#)

**Background:**

In June, budget workshops were held to review the draft budget expenditure and efficiency measures. Substantial time and discussion was given to consideration of the provisions in the draft budget papers including rating levels, capital improvements, and operational requirements. General acceptance of the major items contained within the draft budget was reached.

At the June Council Meeting, Council adopted differential rates and minimum payments and to have them advertised in accordance with statutory requirements. No submissions were received during the advertising period regarding the proposed rates.

At the July Council Meeting, Council resolved to make application to the Minister for Local Government; Heritage; Cultural and Arts, requesting approval for a differential rate to be more than twice the lowest.

The Shire received approval from the Minister for Local Government; Heritage; Cultural and Arts for Council to adopt a UV differential rate which is more than twice the lowest rate on 14 August 2018.

At the August Council Forum, Councillors were provided an opportunity to review the draft Budget once again.

The formal budget has been prepared and now is presented for formal adoption by Council.

**Officer's Comment:**

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards (AAS). The main features of the draft budget include:

- The budget has been prepared with a 3.5% rate increase;
- Non-operating grant revenue of \$3.1M is included with a major component \$2.4M to complete stage 1 and 2 of the Aging in Place project and \$0.7M for road infrastructure renewal;
- \$2.4M expenditure for the Aging in Place project;
- \$1.0M to support Council's strategy of renewing road infrastructure and associated assets plus \$0.2M developing standpipe infrastructure to minimise water cartage distances;
- To support Council's strategy of improving the focus on rural road maintenance, the necessary additional plant and renewal of existing plant will be financed by an annual repayment of \$145,000 over 7 years with this financial year supported by \$200,000 of trade-in's;
- \$20,000 allocated for the Kailis Entry Statement design;
- \$19,500 provision for landscaping the Cemetery;
- \$60,000 for critical maintenance on the Recreational Jetty; and
- An estimated surplus of \$77,800 is anticipated to be brought forward from 30 June 2018, however this is unaudited and may be subject to change. Any change will be addressed as part of a future budget review.

**Stakeholder Engagement:**

While no specific consultation has occurred on the draft 2018/19 budget, community consultation and engagement has previously occurred during development of the Strategic Community Plan. In

In addition, the proposed differential rates were advertised in the Geraldton Guardian on Friday, 29 June 2018 and the Local Rag on Wednesday, 4 July 2018 with submissions closing on Monday, 23 July 2018. No submissions were received.

Extensive internal consultation has occurred between all relevant staff members and through in-depth discussions at workshops with elected members.

**Financial/Resource Implications:**

The 2018/19 Municipal Budget provides for the revenue and expenditure requirements of the Shire of Irwin for the period 1 July 2018 to 30 June 2019.

**Statutory Environment:**

*Local Government Act 1995* Section 6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Division 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2018/19 budget as presented is considered to meet statutory requirements.

**Policy Implications:**

The budget is based on the principles contained in the Strategic Community Plan.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

**REGULATORY SERVICES**

**RS01 – 08/18**

**Subject:** Memorandum of Understanding for the Drive-In  
**Reporting Officer:** Manager Regulatory Services  
**Responsible Executive:** Acting Chief Executive Officer  
**File Reference:** A7141; CP.RE.4  
**Voting Requirements:** Absolute Majority

**Council Role:**

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

**Report Purpose:**

To seek Council's approval to renew the Memorandum of Understanding (MOU) with the Dongara Denison Surf Life Saving Club (DDSLSC) for the use of the Drive-In Theatre at Lot 941 Ridley Street, Port Denison.

**Officer's Recommendation:**

**That Council, by absolute majority:**

- 1. Delegates authority to the Chief Executive Officer to negotiate, prepare and sign a Memorandum of Understanding with the Dongara Denison Surf Life Saving Club for the use of the Drive-In Theatre premises at Lot 941 Ridley Street, Port Denison for a period from 1 September 2018 to 30 April 2019;**
- 2. Approves the creation of a Drive-In Reserve Account, transfers rental payment received from the Drive-In to this reserve, less any maintenance or improvements incurred during the financial years and amends the budget accordingly;**
- 3. Agrees that the purpose of the Drive-In Reserve Account is "to fund the Drive-In Theatre site maintenance and improvements".**

**Attachment:**

[CONFIDENTIAL – previous MOU](#)

**Background:**

Council previously resolved at its 27 September 2016 Ordinary Council Meeting to approve the former MOU with the DDSLSC for a 12 month period which was later extended for a further 12 months.

The DDSLSC have successfully operated the Drive-In Theatre for several years now in conjunction with the Dongara Denison Lions Inc and Dongara Wildfire and the community facility has become an iconic and well-utilised venue for families and visitors. The Drive-In Theatre provides benefit to both the community as a leisure service and to the not-for-profit groups involved in its operation.

The DDSLSC seek Council's support to operate under an MOU for a further seasonal year and have agreed to an increase in monthly rent payable to better cover ongoing costs borne by the Shire and to facilitate improvements of the site in the long term. The DDSLSC is supportive of all other arrangements from the existing MOU to be carried over.

**Officer's Comment:**

That Council approve renewal of the Memorandum of Understanding (MOU) with the Dongara Denison Surf Life Saving Club for the use of the Drive-In Theatre for the 2018/19 season ending 30 April 2019 and in doing so establish a reserve fund. Should Council support the Officer's Recommendation, the Shire will finalise the new MOU with revised conditions as mentioned in this report.

**Stakeholder Engagement:**

Dongara Denison Surf Life Saving Club

**Financial/Resource Implications:**

The new MOU would look to ensuring better cost recovery, particularly in respect of servicing the projector annually, through increased rent to which the DDSLSC have agreed to in principle. The other maintenance/operational costs are considered to be reasonably met by the Shire due to DDSLSC being a not-for-profit group and the community benefit the Drive-In offers.

It is recommended that a reserve fund be established to direct all rental income received from the operation of the Drive-In Theatre. These funds would then solely be used on the maintenance and improvement of the Drive-In Theatre facility.

**Statutory Environment:**

Local Government Act 1995

**6.11. Reserve accounts**

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
  
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

Local Government (Financial Management) Regulations 1996

**17. Reserve accounts, title of etc.**

- (1) *A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.*

**Policy Implications:**

Nil

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 3.1.1 Identify and support services, events and programs for building capacity, social inclusion and wellbeing (including those catering for families, youth and seniors)

Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

**9.2 COUNCIL COMMITTEE REPORTS**

**9.2.1 IRWIN ROADWISE COMMITTEE MEETING HELD 23 JULY 2018**

[Irwin Roadwise Committee Meeting Minutes – 23 July 2018](#)

**IRWIN ROADWISE COMMITTEE MEETING MINUTES:**

That Council receives the Minutes of the Irwin Roadwise Committee meeting held 23 July, 2018.

**9.2.2 ASSET MANAGEMENT ADVISORY COMMITTEE MEETING HELD 24 JULY 2018**

[Asset Management Advisory Committee Minutes – 24 July 2018](#)

**ASSET MANAGEMENT ADVISORY COMMITTEE MEETING MINUTES:**

That Council receives the Minutes of the Asset Management Advisory Committee meeting held 24 July, 2018.

**ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION:**

That Council support the Acting Manager Technical Services' plan for road maintenance and renewal, subject to costings in relation to budget implications.

*The Acting Manager Technical Services outlined the proposal for road maintenance and renewal via a verbal presentation which is captured within the minutes of the meeting.*

**9.2.3 SUSTAINABLE ENVIRONMENT COMMITTEE MEETING HELD 8 AUGUST 2018**

[Sustainable Environment Committee Minutes – 8 August 2018](#)

**SUSTAINABLE ENVIRONMENT COMMITTEE MINUTES:**

That Council receives the Minutes of the Sustainable Environment Committee meeting held 8 August, 2018.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

**13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil.

**14. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at  
\_\_\_\_\_.