



**AGENDA**

**FOR THE**

**ORDINARY MEETING**

**OF COUNCIL**

**TO BE HELD ON**

**TUESDAY, 18 DECEMBER 2012**

**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 4.00PM

WILL BE HELD ON

TUESDAY, 18 DECEMBER 2012

IN COUNCIL CHAMBERS AT  
13 WALDECK STREET, DONGARA WA



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Darren Simmons  
Chief Executive Officer

December 2012

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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.

## INDEX

### ORDINARY COUNCIL MEETING 18 DECEMBER 2012

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1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4.	PUBLIC QUESTION TIME	1
5.	APPLICATIONS FOR LEAVE OF ABSENCE	1
6.	PETITIONS	2
7.	CONFIRMATION OF MINUTES	2
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 27 NOVEMBER 2012	2
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	2
9.	REPORTS	3
CC01 – 12/12	ACCOUNTS FOR PAYMENT	3
CC02 – 12/12	FINANCIAL STATEMENT FOR PERIOD ENDING 30/11/2012	4
CC03 – 12/12	LOCAL GOVERNMENT ELECTIONS 2013	6
CC04 – 12/12	REFORMATION OF THE YOUTH ADVISORY COMMITTEE	8
PI01 – 12/12	PROPOSED AMENDMENT NO 16	9
PI02 – 12/12	LEASE – DONGARA CHARITIES GROUP	12
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	14
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	14
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	14
13.	MATTERS BEHIND CLOSED DOORS	14
CEO01 – 12/12	APPOINTMENT OF ACTING DIRECTOR PLANNING AND INFRASTRUCTURE	14
14.	CLOSURE	14



## **AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 18 DECEMBER 2012 COMMENCING AT 4.00PM**

<b>PRESENT:</b>	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Cr R T McClurg Cr R J Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr D J Simmons - Chief Executive Officer (CEO) Mr G M Peddie – Director Corporate and Community Mr G F Coaker – Manager Planning Services Mr F A Neuweiler – Manager Community Safety Mr A S Wootton – Manager Works Mrs H M Sternick – Manager Corporate Services Mrs C M Palmer – Manager Community Services Mrs N Nelson – Manager Library and Tourism Services Mr L G Smith – Manager Recreation Services Ms E Greaves – Executive Assistant Miss L E Tunbridge – Research and Projects Officer Mr C M Smith – Planning Assistant
<b>GUESTS:</b>		-
<b>APOLOGIES:</b>		-
<b>LEAVE OF ABSENCE:</b>		-

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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**
- 4. PUBLIC QUESTION TIME**
- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS**

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 NOVEMBER 2012**

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A copy of the Minutes of the Ordinary Council Meeting held on 27 November 2012 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

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

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

*That the Minutes of the Ordinary Council Meeting, held on 27 November 2012, be confirmed as a true and accurate recording of that meeting.*

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

## 9. REPORTS

### CORPORATE AND COMMUNITY

CC01 – 12/12

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Corporate Services  
**Date of Report:** 12 December 2012  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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#### Report Purpose:

To receive the list of accounts paid under delegated authority during November 2012.

#### Officer's Recommendation:

**That the Accounts paid during November 2012, represented by Municipal Cheque Numbers 28865-28922, EFT payment numbers 13755 – 13914 totalling \$2,914,368.85 ,Trust Payment Cheque Numbers: 2322 - 2324 totalling \$2,050.00 & Police Licensing Payment No's PL301012– PL 281112 totalling \$55,499.25 be received.**

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of November 2012.

#### Officer's Comment:

Nil

#### Financial Implications:

Nil

#### Statutory Implications:

13. Lists of accounts
- (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 C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

#### Strategic Implications:

Strategic Community Plan – Outcome 4.2.1 *Ensure compliance whilst embracing innovation and best practice principles.*

**CORPORATE AND COMMUNITY**

**CC02 – 12/12**

**Subject:** Financial Statements for the Period ending 30/11/2012  
**Reporting Officer:** Manager Corporate Services  
**File Reference:** Minute Book  
**Date Prepared:** 12 December 2012  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2012 to 30 November 2012.

**Officers Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2012 to 30 November 2012 be received.**

**Background:**

The Monthly Financial Report to the 30 November 2012 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Cash Flows
- Schedules 3 – 14 Budget vs Actuals Comparison
- Graphical Representation – Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Receivables
- Cash Backed Reserves
- Information on Borrowings
- Capital Disposals and Acquisitions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

**Officers Comment:**

Nil.

**Financial Implications:**

Nil.

**Statutory Environment:**

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

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (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 statement relates;

- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
  - (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) recorded in the minutes of the meeting at which it is presented.

**Policy Implications:**

Nil.

**Strategic Implications:**

Nil



**CORPORATE AND COMMUNITY**

**CC03 – 12/12**

**Subject:** Local Government Elections 2013  
**Reporting Officer:** Director Corporate and Community  
**Date of Report:** 10 December 2012  
**File Reference:** GV.EL.1  
**Voting Requirements:** Absolute Majority

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**Report Purpose:**

To consider appointing the WA Electoral Commissioner to conduct a postal election for the 2013 local government elections.

**Officer's Recommendation:**

**That Council:-**

- i) Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may also be required; and**
- ii) Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.**

**Background:**

Local government elections can be either a postal election, which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day, or a voting in person election.

The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts voting in person elections on request. By making the Electoral Commissioner responsible for these elections, the local governments concerned ensure that elections are conducted independently and with impartiality. In addition, for those adopting postal voting, local government is adopting a method of conducting elections that is more convenient for electors and typically achieves a higher rate of voter participation.

Postal elections for local government were first trialed by four local governments in 1995. This increased to eight in 1997, 34 in 1999, 47 in 2001, 55 in 2003, 60 in 2005, 64 in 2007, 69 in 2009 and 74 in 2011.

**Officer's Comment:**

The Electoral Commission states that higher turnout figures clearly indicate that electors are more prepared to vote in postal elections; and cite the following advantages:

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for candidates

- Availability of an experienced Returning Officer "at arms length" from Local Government business.
- Detailed candidates' guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.

- Confidence that the election is being run by the State's independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner
- Economies of scale can reduce some of the costs (advertising).
- Elected Councillors have a high level of support from the local community.

**Financial Implications:**

The West Australian Electoral Commission has provided a quote of \$16,000 to conduct a postal election for the Shire of Irwin. If the Shire were to conduct an in-house voting in person election the cost would be approximately \$9,000.

**Statutory Environment:**

The current procedure required by the *Local Government Act 1995* is that written agreement from the Electoral Commissioner has to be obtained before the Shire can declare that the Electoral Commissioner will be responsible for elections. The Commissioner has agreed to be responsible for the conduct of the ordinary elections in October 2013 for the Shire of Irwin in accordance with Section 4.20(4) of the *Local Government Act 1995*. The Electoral Commissioner will only conduct the election if the method is a postal election.

In order to achieve this, the following two motions need to be passed by absolute majority:

- Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of future Shire of Irwin Local Government Elections
- Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting future elections will be as a postal election.

**Policy Implications:**

Nil

**Strategic Implications:**

4.3.2 Continue to promote programmes to encourage greater participation in elections.

**CORPORATE AND COMMUNITY**

**CC04 – 12/12**

**Subject:** Reformation of the Youth Advisory Committee (YAC)  
**Reporting Officer:** Manager Community Services  
**Date of Report:** 11 December 2012  
**File Reference:** CS.SP.28  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

Request for support from Council for the reformation of a Youth Advisory Committee (YAC).

**Officer's Recommendation:**

**That Council supports the reformation of the Youth Advisory Committee as this committee will partner and support identified stakeholders to improve youth programs and facilities.**

**Background:**

The recently adopted Strategic Community Plan provides a long term strategic framework and direction for the Shire and outlines long term community aspirations, values, visions and objectives.

Ideally the Youth Advisory Committee will include representatives from the Dongara District High School, Student Council, Shire of Irwin, Parents, interested students and the Dongara Police.

Youth Advisory Committees (YACs) are a group of people who are interested in the issues facing young people today – who meet to plan youth inspired and youth driven events and activities and want to do something about them. This committee would be focusing on the 12 – 17 year old age bracket.

**Officer's Comment:**

The primary role of the Youth Advisory Committee will be to provide the best possible advice to Council on how to monitor and investigate the demand for youth programs and facilities within the Shire of Irwin.

With the reformation of the YAC, this Committee of Council will provide the following benefits:

- Raise community awareness;
- Advice on youth issues;
- Better funding opportunities;
- Provide youth programs for the youth of Dongara.

**Financial Implications:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Strategic Implications:**

With the reformation of the Youth Advisory Committee it will allow us to meet *Outcome 3.4* of our Strategic Community Plan 2012 – 2022.

- 3.4.1 Monitor and investigate the demand for youth programs and facilities;
- 3.4.2 Support youth programs;
- 3.4.3 Partner and support the District High School and other educational facilities.

**PLANNING AND INFRASTRUCTURE**

**PI01 – 12/12**

**Subject:** Proposed Amendment No 16  
**Reporting Officer:** Manager Planning Services  
**Date of Report:** 12 December 2012  
**File Reference:** LP.PL.2.16  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider a proposed omnibus amendment and scheme consolidation to the Shire of Irwin Local Planning Scheme No 5.

**Officer's Recommendation:**

**Part 1:**

**That the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the Shire of Irwin Local Planning Scheme No 5 by:**

- 1) **Attending to minor anomalies and adding to the text;**
- 2) **Reformatting the text;**
- 3) **Adding provisions for the preparation of Preliminary Structure Plans in certain circumstances;**
- 4) **Modifying the Town Centre zone provisions to recognise the adopted Town Centre Precinct Plan; and**
- 5) **Modifying the Scheme Map to remove Lot 501 on the corner of Smith Street and Waldeck Street from "Local Reserve" and placing it in the "Town Centre" zone.**

**Part 2:**

**That Council, in pursuance of Section 89(1) of the *Planning and Development Act 2005*, forward the Scheme amendment to the Western Australian Planning Commission for approval as a Consolidated Scheme.**

**Part 3:**

**That in finalising the Scheme amendment document, approval for any further identified minor modifications be delegated to the Chief Executive Officer.**

**Background:**

Local Planning Scheme No 5 (the Scheme) was approved by the Minister for Planning and gazetted on 7 May 2008.

Since that time a total of fifteen amendments to the Scheme have been initiated, with eight progressing to final approval.

During its time in operation, it has become apparent that there are a number of anomalies and minor defects within the Scheme text.

In order to rectify those anomalies, an Omnibus amendment has been prepared, which if adopted, will ensure an accurate and contemporary Scheme document.

**Officer's Comment:**

Attached is the amendment document as proposed. This is broken down into two separate items, firstly the amendment report and secondly the amendment text.

The amendment report outlines the background and purpose of the amendment and explains the rationale behind some of the more significant changes and implications for such.

The amendment text alternatively, provides the specific details for each amendment proposed, from 1 through to 30.

In relation to the more significant changes, the following three areas are noted.

Firstly, the amendment will include provisions that require Council endorsement of a 'Preliminary Structure Plan' as part of any rezoning proposal within the Scheme area (Clause 5.24.2).

This is important on the basis that although structure planning is generally required after a rezoning (and before subdivision can take place), there is no formal requirement for a proponent to provide any indication of how their development will look upfront, as part of their initial rezoning application.

The 'Preliminary Structure Plan' provisions aim to fill this gap and ensure there is some level of agreement and understanding of how a development will eventuate, as part of the initial rezoning proposal. The provisions have been designed so that the level of detail required in a preliminary structure plan is not onerous and will work much like what would be expected in a 'concept plan'.

Secondly, the Omnibus amendment proposes to modify the Scheme text to acknowledge the fact Council has adopted a Town Centre Precinct Plan. Much of the text currently included under the Town Centre zone provides instructions for preparing a Town Centre Precinct Plan. The amendment will modify this slightly to recognise the current position and importantly, allow the Town Centre Precinct Plan to prevail over the Scheme in the case of an inconsistency, in consideration of the rigorous process the plan was subjected to prior to adoption.

Lastly, many of the changes proposed relate to a reformatting of the Scheme text. This has been designed to make the document more accessible and simpler to locate relevant provisions as they relate to a particular proposal. Furthermore, the Scheme text is proposed to incorporate all those amendments that have previously been approved and are now operational. Essentially the resultant text is consistent with a consolidation of the Scheme.

On this basis, it is also proposed to seek approval from the Western Australian Planning Commission to consider this Omnibus amendment as a Consolidated Scheme. Division 5 of the *Planning and Development Act (2005)* requires local governments to review and consolidate their schemes every five years. Being that the Scheme was gazetted in 2008, this would make the Scheme due for review in 2013.

If supported by the WAPC, it will ensure the Shire continues to operate under a Scheme that satisfies the requirements for review under the Act. It will also place Council in a strong position in relation to its local planning framework, when combined with the forthcoming District Structure Plan and also the review of the Local Planning Strategy.

The above items are outlined in more detail in the amendment document (attached). Additionally, a full copy of the revised Scheme text is also attached for reference.

If the proposed amendment is supported, the next step will be to finalise the amendment document and the revised Scheme text. These will be referred to the Environmental Protection Agency and the Western Australian Planning Commission for assessment. Provided there are no significant issues from either of those agencies, the amendment will proceed to advertising for public comment, followed by a further report to Council to consider any submissions prior to final adoption.

In regards to Part 3 of the recommendation, in the instance that any further, minor modifications are identified in finalising the amendment document, this will allow those changes to be made expeditiously and without the need for an additional report to Council.

It is expected that the document will be finalised and referred to relevant agencies in early 2013.

**Financial Implications:**

Cost to undertake advertising of the amendment document, in accordance with the *Town Planning Regulations 1967*.

**Statutory Environment:**

*Planning and Development Act (2005)*

75. Amending schemes

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

89. Public submissions to be sought on consolidated scheme

- (1) After preparing the consolidation the local government is to ensure that the consolidation is approved by the Commission and made available for inspection.
- (2) When the consolidation has been approved by the Commission, the local government is to invite submissions from the public on the effectiveness of the scheme, the need for amendment of the scheme and the need for the making of a new scheme.

**Policy Implications:**

Nil.

**Strategic Implications:**

Proposed scheme review and consolidated scheme.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 11/12**

**Subject:** Lease – ‘Dongara Charities Group’  
**Reporting Officer:** Planning Assistant  
**Date of Report:** 10 December 2012  
**File Reference:** 153  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider a lease renewal between the Shire of Irwin and the Dongara Charities Group relating to Lot 49(9) Moreton Terrace, Dongara.

**Officer’s Recommendation:**

**That Council adopt the attached lease arrangement with the Dongara Charities Group for the property known as the “Op Shop” located at 9 Moreton Terrace, Dongara and used for the selling of a range of second-hand items.**

**Background:**

The Dongara Charities Group lease is due to expire on the 28 February 2013. The current lease became effective on the 1 March 2008 for a period of five years, with an option for a period of five years conditional on agreement by both parties.

Under the present arrangements starting in 2008 the Shire agreed to a weekly rent payable of \$110 plus GST, increasing by CPI each year.

The organisation is responsible for the payment of the following: council rates; water rates and usage; power and gas; telephone; rubbish removal; and public liability and contents insurance.

Just recently the Dongara Charities Group was awarded the 2012 Community Services Excellence Award. The organisation group has given community groups in excess of \$95,000 in the past 12 months, including donations to the Royal Flying Doctor Services, Ronald McDonald house in Perth, Camp Quality and various disaster relief funds throughout Western Australia.

**Officer’s Comment:**

The initial lease was structured on the basis that the Dongara Charities Group is a not for profit organization, whereby all funds are distributed to the community of the Shire of Irwin at the discretion of the Dongara Charities Group.

The applicant has stated the significance in the current location of the lease and the problems they might encounter in finding a new location. There is no doubt that the voluntary service provided by the Dongara Charities Group is of real and significant benefit to the community.

In determining an appropriate lease period it is important to consider the potential role that this particular lot could play in the near future. Reference to the recently adopted ‘Strategic Community Plan’ highlights the importance in making sure our Town Centre’s are attractive, accessible and inviting, whilst maintaining their unique character. In order to achieve this aspiration the Shire believes the development of a ‘Town Centre Revitalisation Plan’ will be necessary. The location and ownership of this particular land, along with the neighbouring Community Resource Centre (coming up for lease renewal in June 2013) and car park provides the Shire with a large area of land with good revitalisation potential. These three lots are held as freehold titles under the Shire of Irwin. Please see site plan attached.

At this point in time there is not enough information available to determine the immediacy of this type of plan; however, this shall not prevent the Shire from extending the lease in order to allow the continuity of the Charity Groups services. For this reason it is suggested that a short term 2-year

MOU lease will present a suitable extension while also providing the Council with the necessary flexibility in the future.

**Financial Implications:**

Nil.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil.

**Strategic Implications:**

Nil.



**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**

Nil

**13. MATTERS BEHIND CLOSED DOORS**

**CEO 01 – 12/12 Appointment of Acting Director Planning and Infrastructure**

As per the Local Government Act 1995 section 5.23 (2)(a) the Item CEO 01 – 12/12 relating to a confidential staff matter is to be held behind closed doors.

A copy of the confidential report will be provided to Council members under separate cover prior to the meeting.

**14. CLOSURE**

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

\_\_\_\_\_.