



Ordinary Council Meeting Minutes

15 November 2023

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PUBLIC QUESTION TIME

1. The order of business allows for a Public Question time at the beginning of the meeting.
2. If you wish to ask a question about an agenda item before it is considered then it is recommended to be made at the Public Question Time item on the agenda in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

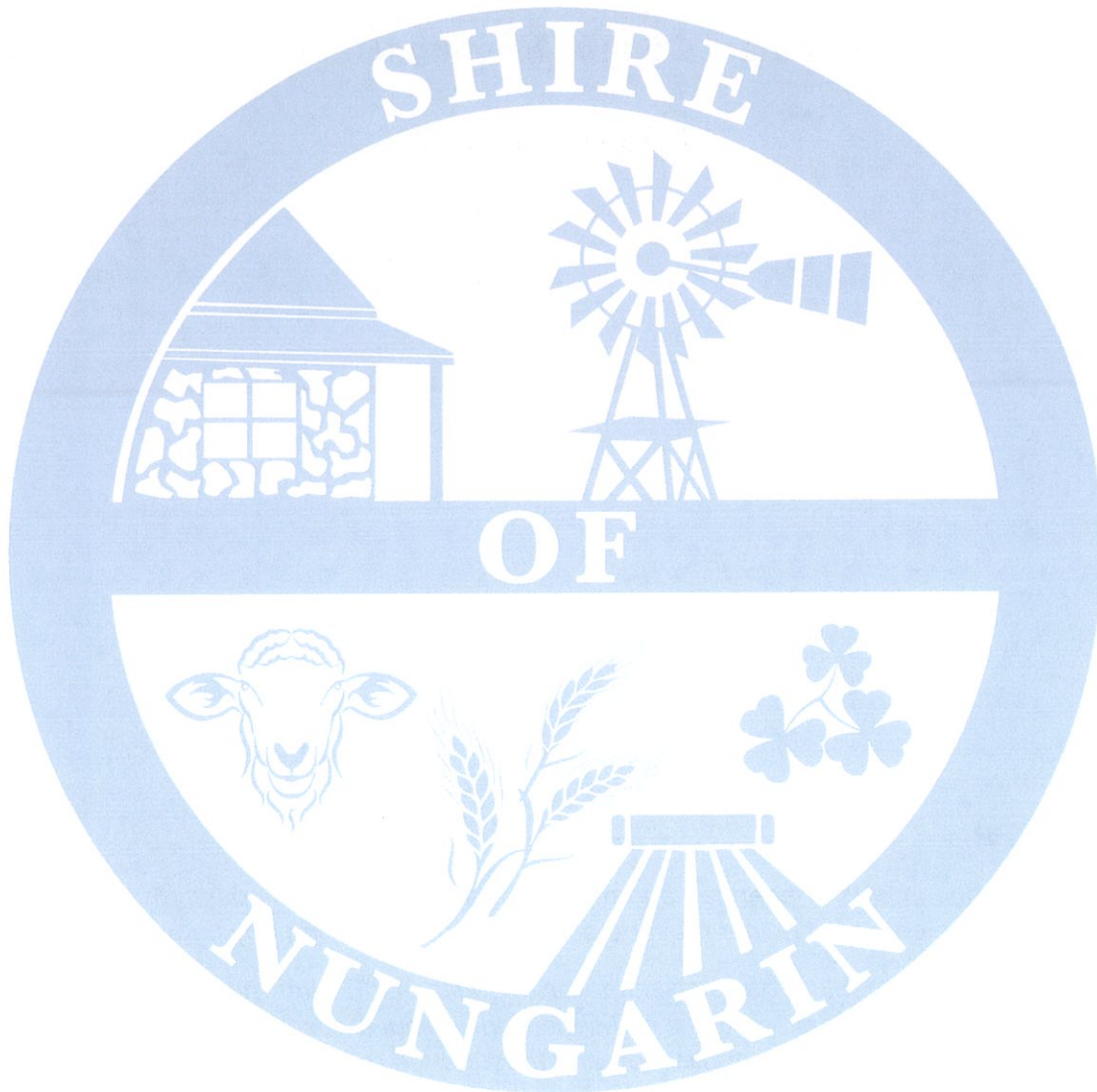


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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 4:30pm.

Affirmation of Civic Duty and Responsibility as Read

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Nungarin. We collectively declare we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability.

Acknowledgement of Traditional Custodians

We wish to acknowledge the Traditional Custodians of the land we are meeting on, the Njaki Njaki Nyoongar people, and recognise the contribution of Elders past, present and future.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell
Elected Member	Cr K Dayman
Elected Member	Cr A Eksanow
Elected Member	Cr W Lee
Elected Member	Cr M Caughey

Council Officers

A/Chief Executive Officer	Mr J Merrick
Manager Works & Services	Mr D Nayda
Manager Corporate Services	Ms C Pearce

Observers / Visitors

2.2 APOLOGIES

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS

3.2 PETITIONS

4. PUBLIC QUESTION TIME

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.
- c. Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting, and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the Presiding Member.
- e. The Presiding member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND PROXIMITY INTEREST

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1 ORDINARY COUNCIL MEETING – 25 OCTOBER 2023

COUNCIL RESOLUTION 94/11/23

That the Minutes of the Ordinary Council Meeting held on 25 October 2023 be confirmed as being a true and accurate record.

Moved: Cr M Caughey

Seconded: Cr W Lee

CARRIED

8. OFFICER REPORTS –

8.1 LISTING OF PAYMENTS FOR THE MONTH OF OCTOBER 2023	
File Ref:	10.13
Previous Items:	Nil
Applicant:	John Merrick
Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A

COUNCIL RESOLUTION 95/11/23

That Council Resolves to:

1. Receive the following payments throughout the month of October 2023

Municipal	Cheque	15,393.78
	EFT	175,671.33
	Direct Debit	38,345.79
Trust	Cheque	-
	Grand Total	229,410.90

Moved: Cr K Dayman
Seconded: Cr RE O'Connell

CARRIED

IN BRIEF

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 October 2023

BACKGROUND

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.

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our organisation
Aspiration	Effective forward planning, and engagement with our community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

- (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.
- (2) A list of accounts for approval to be paid is to be prepared each month showing
 - (a) for each account which requires council authorisation in that month (i) the payee's name; (ii) the amount of the payment; and (iii) sufficient information to identify the transaction. (b) the date of the meeting of the council to which the list is to be presented.
- (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.

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic –**

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

nil

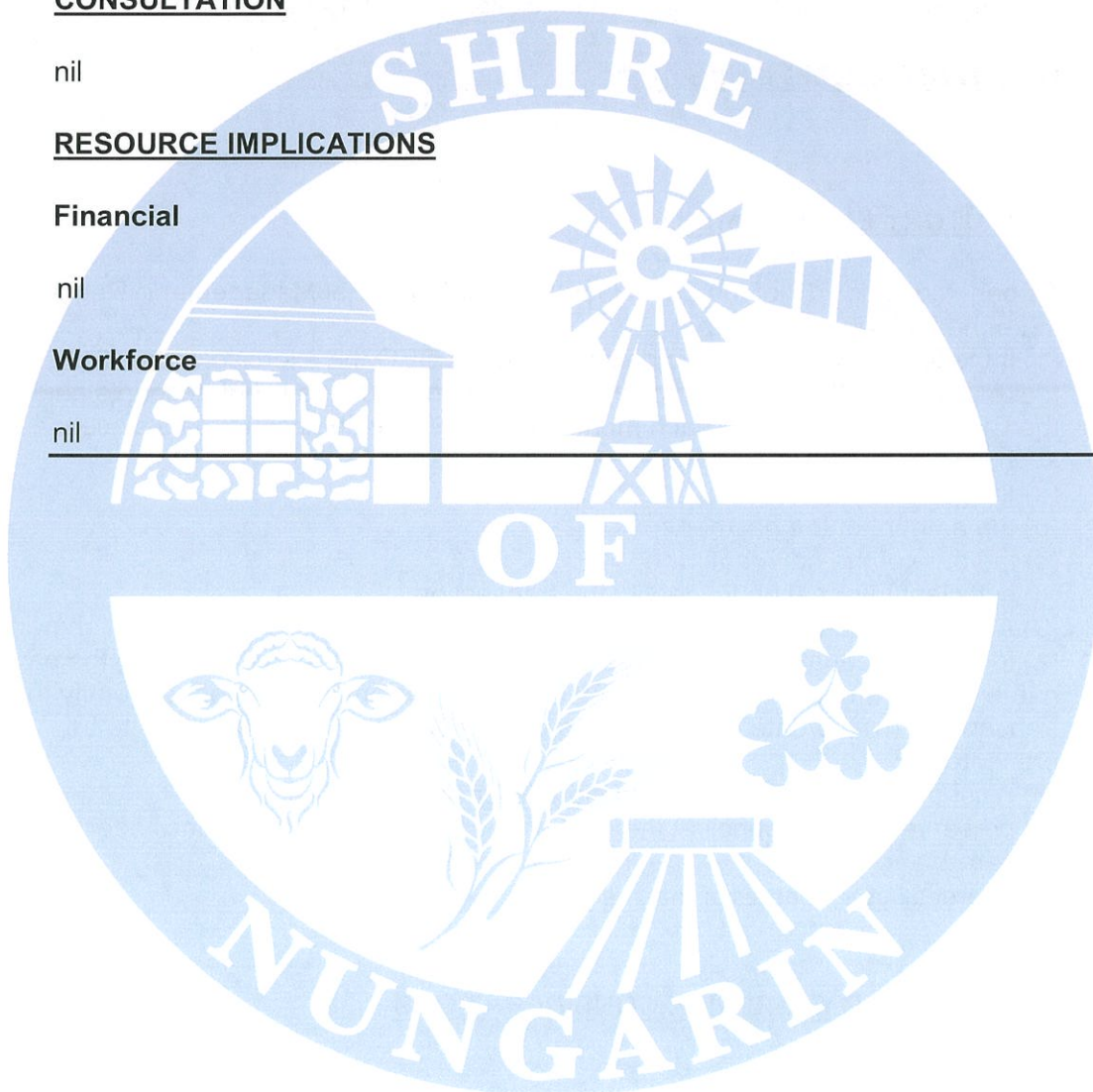
RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil



8.2 MONTHLY FINANCIAL REPORT OCTOBER 2023	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick
Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.2A

COUNCIL RESOLUTION 96/11/23

1. That the financial report for the period ending 31 October 2023 be received.

Moved: Cr G Coumbe
Seconded: Cr W Lee

CARRIED

IN BRIEF

For Council to consider the monthly financial report for the period ending 31 October 2023.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed

REPORT DETAIL

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- a. Statement of Comprehensive Income by Function/Program;
- b. Statement of Comprehensive Income by Nature/Type;
- c. Statement of Financial Activity;
- d. Summary of Net Current Asset Position;
- e. Statement of Explanation of Material Variances;
- f. Statement of Financial Position;
- g. Statement of Cash Flows;
- h. Detailed Operating and Non-Operating Schedules;
- i. Statement of Cash Back Reserves;
- j. Loan Borrowings Statement; and
- k. Trust Statement.

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income. Attached to this report is a copy of the month-by-month cumulative budget estimates, set out in the Statement of Financial Activity format.

The Statement of Financial Activity as at 31 October 2023 shows a closing surplus of \$1,975,586.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Community
Aspiration	Responds to the needs of all residents
Objective	Celebration of local culture, heritage and place

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Finance) Regulations 1996.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (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 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);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Financial Consultant – Darren Long

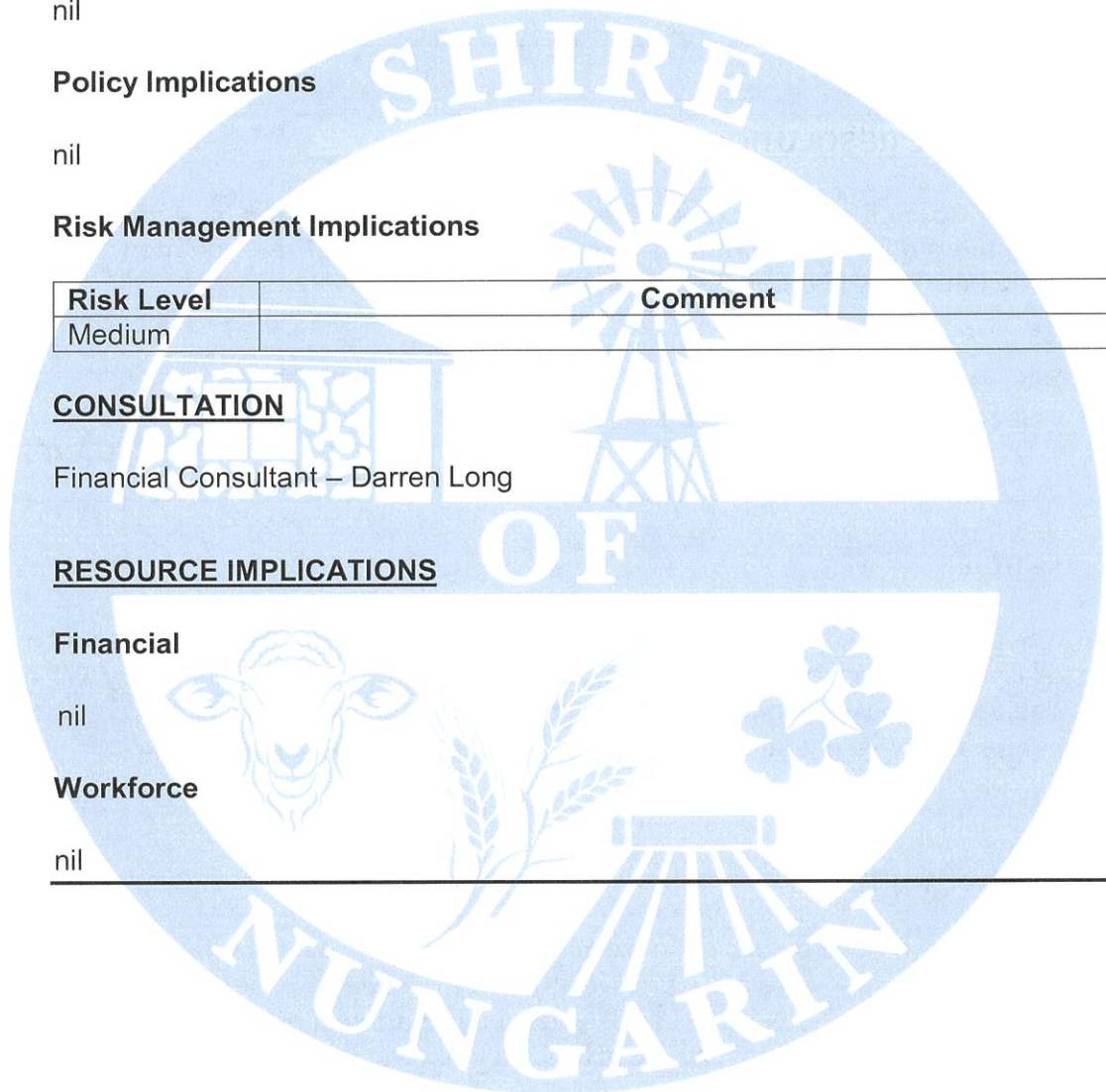
RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil



8.3 SHIRE OF NUNGARIN TOWN PLANNING SCHEME (TPS)	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick Acting Chief Executive Officer
Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.3A – 8.3B –

COUNCIL RESOLUTION 97/11/23

That Council resolves to lay the item of development and implementation of a suitable Town Planning Scheme on the table until the commencement of the new Chief Executive Officer.

Moved: Cr RE O'Connell
Seconded: Cr G Coumbe

CARRIED

IN BRIEF

The absence of a Town Planning Scheme (TPS) has restricted Council control over all issues relating to Town Planning, across the Shire but more specifically within the dedicated townsite. Councillors have indicated that several complaints from within the community have not been able to be addressed as no existing enforcement mechanism exists.

BACKGROUND

The history of record keeping in the Shire has not been ideal but we have been able to locate documents from our archives that show the development of a TPS going back to 2014, and recent discussions with the Department of Planning, Lands and Heritage (DPLH) have revealed that their staff have continued to work on schemes for several Local Governments over these years. A draft copy of the Shire of Nungarin Town Planning Scheme No 1, and a copy of a draft Shire of Nungarin Local Planning Strategy are attached.

REPORT DETAIL

Ross Montgomery, who was my Director of Planning at Peppermint Grove, has agreed to participate in a Teams meeting at 3pm to provide an overview of Town Planning principals that should be considered in the development of a TPS, and Ross

will be able to answer questions from Councillors and address some of the complexities around having a scheme which is fit for purpose.

The Department has indicated its willingness to continue with the process of developing a scheme which would be specific to Nungarin and would perhaps assist in the implementation of enforcement strategies to address some of the aforementioned concerns and issues.

It has been suggested that Council may still have to develop some Local Laws which complement the scheme, but have a specific enforcement aspect, such as the use of sea containers, their specific use, number of restricted, and measures to improve the amenity of the townsite through the imposition of controls regarding visual amenity.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Sound land use planning
Aspiration	Compliant TPS
Objective	Positive outcomes

OTHER STRATEGIC LINKS

Development guidelines

STATUTORY ENVIRONMENT

Department of Planning Lands and Heritage (DPLH)

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Informed decisions.

Social

nil

Policy Implications

Across the board

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Discussion has occurred with DPLH, private planners, Councillors and Community

RESOURCE IMPLICATIONS

Financial

A future budgetary consideration.

Workforce

nil

8.4 NEWROC WASTE PROJECT	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick Acting Chief Executive Officer
Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	

COUNCIL RESOLUTION 98/11/23

That Council Resolves to support NEWROC to apply for Regional Precincts Funding for waste management planning.

Moved: Cr RE O'Connell
Seconded: Cr G Coumbe

CARRIED

BACKGROUND

Member Councils and the NEWROC has identified the need to improve waste infrastructure and services in the district.

REPORT DETAIL

A number of members have either identified the need to expand their current landfill sites or likely to need expansion or a new site in the future, as well as improvements to meet compliance.

Across the NEWROC, landfill sites are unmanned and with 24/7 public access. Some towns provide a general bin pick up whilst others operate a general and recycling bin pick up.

A *Regional Landfill Strategy* was commissioned in 2020. Ask Waste Management completed the report. The NEWROC Council received the report and identified a preferred option going forward, that being option 4: Transfer stations in each Shire and one staffed Regional Landfill.

NEWROC members visited the Narembeen Waste Transfer Station in 2021 and requested information from ROEROC regarding their waste governance structure, infrastructure and fee arrangements (five waste transfer sites, one regional landfill).

Tip closure plans have been commissioned for Shires. Some of these plans have been completed. This is a necessary requirement under state legislation, regardless of this project.

Wyalkatchem was identified as a preferred site for a regional landfill and a capacity and site assessment was completed – the *Wyalkatchem Capacity Assessment Report*. The Shire of Wyalkatchem completed a DEWR assessment on the site as well to determine its 'fit' against site criteria and end of life expectancy.

The Shire of Wyalkatchem suggested NEWROC investigate alternative green field sites central to all members for further consideration.

Ask Waste Management completed a *Landfill Site Identification Report* in July 2023, which identified a number of sites that may be suitable for siting a regional landfill that could service the NEWROC region.

The Landfill Site Identification Report was received by the NEWROC Council.

To progress the waste project and improve each member Council's waste sites, the NEWROC is considering an application to the Regional Precincts funding. An outline of the funding is summarised below.

Regional Precincts and Partnership Program

- Funding opened in August 2023. Noncompetitive process, can apply at any time.
- Objectives:
 - facilitate place-based approaches to planning, characterised by collaborative partnerships,
 - engaging in shared design, stewardship and accountability of planned outcomes,
 - provide targeted benefits related to productivity, equity and resilience for the people of regional, rural or remote Australia,
 - support community priorities for regional cities, rural or remote centres and areas, and
 - reflect the Government's approach to regional investment as outlined under the Regional Investment Framework.
- Outcomes (including but not limited to):
 - demonstrate the value of partnerships between governments, communities and businesses for effective planning, coordination and delivery of regional infrastructure,
 - develop and deliver regional precincts comprised of multiple infrastructure components, which provide benefits related to productivity, equity and resilience, and

- contribute to the Australian Government’s current policy priorities, including but not limited to Closing the Gap, transition to a net zero economy, Australia’s emission reduction goals, social and affordable housing, and National Cultural Policy.
- *What are Precincts?* User defined, geographic area with specific shared need or theme. They will be located in renewal and growth areas in regional centres, regional corridors, regional cities etc
- Needs to be based on community need and demonstrated partnerships

The NEWROC intend to apply for Stream One: Precinct development and planning. Grants of between \$500,000 to \$5 million will be available for master planning, consultation, design, business cases and partnership establishment (\$500,000 - \$5million).

A summary of the grant and the NEWROC’s eligibility against the criteria can be found in the NEWROC October 2023 Council minutes. This is a significant project for member Councils and requires additional planning and community consultation. Should the NEWROC be successful in stream one, the group may proceed to stream two of the Regional Precincts funding for precinct delivery, subject to each member Council’s decision.

NEWROC will be required to contribute a cash and in-kind contribution towards the grant application. This will be resourced from the NEWROC, not individual member Councils.

The requested deliverables of the grant will include:

1. An update of the original Business Case
2. Development of a business case for internal waste services (bin pick up and transfer by NEWROC)
3. Community consultation across each of the seven Shires regarding the fees and proposed services
4. Development of a Master Plan for a Regional Waste Site and identification of a location
5. Development of a Master Plan for Waste Transfer Stations in each town (Dowerin, Wyalkatchem, Yelbini, Trayning, Beacon, Bencubbin, Koorda, Nungarin, Mukinbudin)
6. Governance Arrangements for the group
7. Planning approval preparation
8. Presentations to Councils for discussion and consideration

This funding suggestion is being put forward to each member Council to consider due to the limited funding opportunities available for waste infrastructure at an individual level.

The following resolution was passed at the NEWROC October meeting.

RESOLUTION

NEWROC distribute information relating to the Regional Precincts Funding (for waste management planning purposes) for consideration at each members next Council meeting.

Moved Cr Sachse

Seconded Cr Shadbolt

CARRIED 7/0

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Community
Aspiration	Responds to the needs of all residents
Objective	Celebration of local culture, heritage and place

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Other Local Governments via NEWROC.

RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil

9. DELEGATES REPORTS

(Elected member who are delegates to other Forums may present a verbal or written report)

**Councillor O’Connell
REPORT - MEETINGS / FUNCTIONS ATTENDED**

- 1st November NCDG meeting
- 9th November Swearing In New Councillor
- 9th November CEO Interviews
- 11th November Remembrance Day Ceremony (Council Organised)
- 14th November WNE SRRG meeting

NUNGARIN COMMUNITY DEVELOPMENT GROUP MEETING

I attended as Council Delegate, and Chair of this Group. We did not have a quorum but discuss several items.

1. Building: George Wellard’s report has not been received. Information is that it is being brought back to Nungarin over the weekend. It has photographs and drawings and easily sent by e-mail. Building insurance was discussed
2. Café: not changing the menu until next year.
3. Mangowine Sheep Dip.

SWEARING IN NEW COUNCILLOR

I will be attending with other Councillors for the swearing in Adam Eksanow.

CHIEF EXECUTIVE OFFICER INTERVIEWS

With other Councillors I will be attending the interviews.

REMEMBRANCE DAY

I will be attending.

WHEATBELT NORTH-EAST SUB REGIONAL ROAD GROUP

I will be attending as Council Representative. The main reason for the meeting is for the Election of numerous positions for the SRRG, RRG and WSNF. The meeting is by ZOOM and hopefully brief.

FUTURE MEETINGS / EVENTS:

(that I attend as a council Delegate/Representative/Councillor)

LHAG meeting	Kununoppin	Friday 24 nd November
NCDG meeting	Nungarin	Wednesday 6 th December
SRRG meeting	ZOOM	Tuesday 14 th December
Rural Water Council meeting	Cunderdin	Friday 15 th March

R E O’Connell

R.E. O’Connell (Councillor)

10. NEW BUSINESS OF AN URGENT NATURE

(New business of an urgent nature approved by the Presiding Member)

10.1 NEW BUSINESS ITEM APPROVED BY PRESIDING MEMBER	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick
Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	

COUNCIL RESOLUTION 99/11/23

That Council Resolves to:

- Cr O’Connell will step down from representing Nungarin Community Development Group as Shire Delegate and nominates Cr Eksanow.

Moved: Cr RE O’Connell
 Seconded: Cr K Dayman

CARRIED

11. CONFIDENTIAL ITEMS OF BUSINESS

COUNCIL RESOLUTION 100/11/23

That Council Resolves to:

- Proceed behind closed doors as per Section 5.23(2) of the Local Government Act 1995 to consider item 11.1 and item 11.2 at 5:08pm.

Moved: Cr RE O’Connell
 Seconded: Cr K Dayman

CARRIED

11.1 CONFIDENTIAL CEO APPOINTMENT	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick
Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	

11.2 CONFIDENTIAL GRANGARIN VACANT UNIT	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick

Author and Title:	John Merrick Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	11.2A

COUNCIL RESOLUTION 103/11/23

That Council Resolves to:

1. Proceed with the meeting on public, the time being 5:17pm.

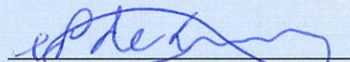
Moved: Cr RE O'Connell

Seconded: Cr M Caughey

CARRIED

12. CLOSURE

The being no further business the meeting closed at 5:18pm



 Presiding Member

OF 13/12/2023

 Date

