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Minutes

1 Declaration of Opening and Announcement of Visitors

The meeting was declared open at 10.10am

ANNOUNCEMENTS BY C.E.O

1.1	Subject/Applicant:	Newly Elected Councillors
	File:	13.00.11
	Reporting Officer:	Anthony Kirwan, Chief Executive Officer
	Date of Report:	21 ST OCTOBER 2007
	Disclosure of Interest:	Nil

Summary

Newly elected Councillors made a Declaration of Office.

Elected Councillors made the Declaration of Office before the Chief Executive Officer of the Shire of Wiluna.

1.2	Subject/Applicant:	Election of President
	File:	13.00.07/11
	Reporting Officer:	Anthony Kirwan, Chief Executive Officer
	Date of Report:	21 ST OCTOBER 2007
	Disclosure of Interest:	Nil

Summary

The CEO asked Councillors to submit written nominations for the position of Shire President.

- One nomination was already submitted. CEO asked Councillors if there were any other nominations.
- Since there was no more nominations, CEO declared Councillor John Kyanga as the new Council President elected unopposed.
- Councillor John Kyanga made the Declaration of Office as the new Council President.

The newly elected President assumed the Chair.

1.3	Subject/Applicant:	Election of Deputy President
	File:	13.00.07
	Reporting Officer:	Anthony Kirwan, Chief Executive Officer
	Date of Report:	21 ST OCTOBER 2007
	Disclosure of Interest:	Nil

Summary

Councillors were asked to submit written nominations for the position of Deputy Shire President.

- Councillor Anne Geary had been nominated and no further nominations were received.

Presiding Member.....Date.....

- Anne Geary was elected unopposed.
- Councillor Anne Geary made the Declaration of Office as the Council's Deputy President.

2 Record of Attendance / Apologies and Leave of Absence Previously Approved

Attendance

Cr John Kyanga (President)
Cr Anne Geary (Deputy President)
Cr Catherine Carton
Cr Annette Williams
Cr Ken Farmer
Cr Graham Harris
Cr Leanne Peck

Anthony Kirwan (Chief Executive Officer)
Vince Bugna (Manager, Finance & Admin)
Tom Milo (Works Manager)
Helen Ansell (Art Gallery Manager)
Ford Murray (Govt Relations – Nickel West)
Jaco Harwig (Acting General Manager – Nickel West)

3 Response to Previous Public Questions Taken on Notice

The following questions were raised by Mr David Betteridge:

Q1 – With the Fire Brigade being primarily made up of Shire workers being paid to attend fires has the shire determined if the F.E.S.A. insurance still covers them or is the Shire workers comp covering them, As I am sure the last thing an injured fire fighter would need is two large insurance companies fighting over who is to pay for treatment?

A1 – This question has been answered before. Shire workers are volunteers for after hours work and therefore covered by FESA. Their training has occurred during work hours and they are covered by Workers Compensation as that is an approved activity.
(Note from CEO: This question was asked by Mr Betteridge on 17th of May 2007.)

Q2 – At the March Council meeting I asked the question of how much it had cost the Shire in overtime to attend two nights fires I did not get an answer then and the C.E.O. stated he would mail me the answer this I still have not received why?

A2 – This question has also been answered before. It has not cost the Shire anything as fire fighters are volunteers. The answers to all Mr Betteridge's questions are in the minutes.
(Note from CEO: This question was asked by Mr Betteridge on 17th of May 2007.)

Q3 – Could the C.E.O. explain why the house across the road from my residence owned and occupied by the shire has needed its fence repaired since the big storm took the roof of the Women's centre and the roof from the burnt out house next to my residence and yet the C.E.O. selectively chooses residents to complain about the standard of cleanliness

A3 – The CEO does not selectively choose residents to complain about the standard of cleanliness. The Councillors and staff all make a very big effort to ensure the whole town is clean and we would like all residents to do the same.

4 Public Question Time

Nil

5 Application for Leave of Absence

Nil

6 Petitions and Deputations

A Team from Nickel West made presentation to Council an update of BHP Billion's presence in the region, key community contacts at Mt Keith and its schedule for Indigenous participation across the region in regards to employment and business development. In attendance were Ford Murray – Government Relations; Jaco Harwig – Acting General Manager; Paul Niesler – Community Relations Coordinator (and Allan James, depending on personal circumstances).

7 Confirmation of Minutes of Previous Meeting

The Minutes of the Meeting Held on 21st September 2007 be accepted as a true record of that meeting.

60/07 Council Decision

MOVED Cr A Geary

SECONDED Cr C Carton

CARRIED: 7/0

8 Announcements by Presiding Member without Discussion

9 Reports of Committees and Officers

9.1 Chief Executive Officer Reports

9.1.1	Subject/Applicant:	Status Report
	File:	
	Reporting Officer:	Anthony Kirwan, Chief Executive Officer
	Date of Report:	15 TH OCTOBER 2007
	Disclosure of Interest:	Nil

Wiluna Development Plan (WDP)

The previous Council decided that the Wiluna Development Project should be managed and implemented by the Shire. To do this successfully will require more and better-trained staff.

- The CEO will take on the Project Manager's role.
- A Deputy CEO will be employed.
- Finance Section will be upgraded.
- The Shire is being assisted to upgrade the Community Development Section by a specialist.

Property Purchases (WDP)

1. The Shire of Wiluna has made an offer to purchase the Marruwayura house in town. It is proposed that new staff will live in these premises after the upgrade of the building.
2. The Shire has made an offer to lease the Marruwayura offices for a period of 6 months with an offer to purchase after that time. This offer will be made on the basis that the community agrees with the idea. The building will be used for co-location of services and as a resource for the town.

Both of these proposals have been delayed. The house ownership documents have been lost and the Marruwayura Office is simply delayed.

Shire of Wiluna Elections

Early voting progressed well with the majority voting prior to election day. A Department of Local Government representative presided at the count on Saturday evening.

Liquor Licensing

The Shire, Police and owners of the Club Hotel will be having preliminary discussions about drinking hours in the town. This meeting has been suggested by the Department of Liquor, Racing and Gaming in an attempt to gain some agreement before an accord is discussed.

New School

The new school is progressing well. The Governor General has expressed an interest in visiting the school for an opening ceremony next year.

Desert Gold

Woodpac has appealed against the decision to take Desert Gold away from them. This appeal has gone to the Governor and the result is expected in the next few weeks.

Auditor

The Auditor has completed his visit to the Shire. No problems were found and he has said that the Shire of Wiluna is in a very strong financial position.

DHW Housing

The Shire has contacted DHW and requested that they take care when selecting tenants for the new houses.

The Shire has also requested that DHW tenants be made aware of the rules as to the number of dogs allowed to be kept in each house.

Statue of Warri and Yattungka

The statue is now in place and consultations have begun for the next stage of the entry statement to the town. This will be about mining or pastoralism.

Officer Recommendation

For information and discussion only

9.1.2	Subject / Applicant:	Ordinary Elections 20th October 2007
	File:	13.00.32
	Reporting Officer:	A Kirwan, Chief Executive Officer
	Date of Report:	21 st October 2007
	Disclosure of Interest:	Nil

Summary

This report is to brief elected members on the conduct of the election held on 20th October 2007, and is to provide an overview of the statistics that relate to the election.

Background

The elections were held as part of the normal Bi-Annual Election Programme for Local Government although the election in 2007 was scheduled later than usual. Five vacancies were advertised and 10 nominations received. The elections were conducted by the CEO in the position of Returning Officer, Coby Kirwan as Deputy Returning Officer, Electoral Officer Gwen Rakabula, Electoral Officer Yvonne Ashwin and Electoral Officer Stuart Fraser from the Department of Local Government.

Comment

A total of three staff worked on Election Day. The staff worked from 7.00am to 8pm after the close of poll including counting and clean-up. The actual turnout of electors was higher than the previous ordinary election of 2005.

NUMBER OF CANDIDATES	TOTAL NUMBER OF ELIGIBLE VOTERS ON ROLL	TOTAL VALID VOTING PAPERS	TOTAL INFORMAL AND REJECTED VOTING PAPERS	TOTAL VOTING PAPERS	PERCENTAGE TURNOUT
10	292	108	12	120	37%

The Following is the election outcome based on **first preferences**.

CANDIDATE	VOTES RECEIVED	% RECEIVED
Annette Williams	21	19.3
Ken Farmer	20	18.4
John Kyanga	15	13.8
Graeme Harris	10	9.2
Leanne Peck	13	11.9
Zac Koroicure	9	8.3
Daryl Shill	7	6.5
David Betteridge	6	5.6
Tom Ford	5	4.6
Tracey Wongawol	2	1.9

The following candidates were elected as Councillors for the Shire of Wiluna

CANDIDATE	TERM EXPIRING
Annette Williams	2011
Ken Farmer	2011
Graeme Harris	2011
John Kyanga	2011
Leanne Peck	2009

Consultation

Not applicable

Statutory Environment

For this election, the CEO acted as Returning Officer. The election was conducted on the basis of electors voting in person. Part 4 of the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997* specify the way Local Government Elections are to be conducted.

Policy Implications

No specific policies

Financial Implications

Funding for the election was provided in the 2007/2008 Budget.

Strategic Implications

Not applicable

Voting Requirement

Simple Majority

Officer Recommendation/Draft Motion

That the information about the Ordinary Elections held on 20th May 2007 be received.

61/07 Council Decision

MOVED Cr C Carton

SECONDED Cr G Harris

CARRIED: 7/0

9.1.3	Subject/Applicant:	Caravan Park in Wiluna on the Old School Site
	File:	
	Reporting Officer:	Anthony Kirwan, Chief Executive Officer
	Date of Report:	17 th October 2007
	Disclosure of Interest:	Nil

Summary

For the past two years Council has been concerned that there are a lack of caravan and camping facilities in the town for the many tourists who visit during the cooler months.

Background

The caravan park behind the hotel is serviceable but has tended to cater for residential tenants and some passing trade. Council wishes to provide more facilities for tourists.

Comment

A new school is being constructed and the present site will become available during 2008. It is proposed that this site be developed as a caravan park.

The Shire of Wiluna does not have the resources to maintain all of the buildings where their use is unclear.

Consultation

There has been consultation with a number of agencies about the use of the site particularly with regards use of the buildings. The main problems with continued use of the site and buildings are:

1. High costs of maintaining the buildings that are very old.
2. Reluctance by other agencies to commit to funding programs in the buildings.

Statutory Environment

The Shire of Wiluna Town Planning Scheme will probably require altering to use the site as a caravan park but this will require checking.

Policy Implications

This is being raised because the previous Council requested that facilities for tourists be improved in the town.

Financial Implications

1. Development funds for caravan and camping sites will be required.
2. Budgetary funds for a manager will be required.
3. Annual maintenance funding will be required.
4. Charges will cover some of the costs and the better the improvements are the more use the facility will have.

Strategic Implications

If the development is successful there may be an opportunity to lease the business at a later date.

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council

1. Approve the CEO taking actions to secure the old school site for a caravan park to be owned managed by the Shire of Wiluna.
2. Any requirement by the Department of Planning and infrastructure to purchase the site is considered by the Shire Council.

Councillor G Harris suggested to defer the above recommendation and stated:

“Can we have a motion to discuss further the implementation of the old school site as a caravan park as we require more time and information to better understand the concept.”

62/07 Council Decision

MOVED Cr G Harris

SECONDED Cr L Peck
CARRIED: 7/0

9.1.4	Subject/Applicant:	Alcohol Harm in Wiluna
	File:	
	Reporting Officer:	A Kirwan, Chief Executive Officer
	Date of Report:	17 th October 2007
	Disclosure of Interest:	Nil

Summary

For a number of months the Shire Council has been involved with negotiating the basis of a new Liquor Sales Agreement with the Department of Liquor, Gaming and Racing, Police and Club Hotel.

Background

1. There is growing concern about the level of alcohol harm in the community. Research commissioned by the Shire of Wiluna has clearly demonstrated this to be the case.
2. The Shire of Wiluna acknowledges that alcohol is a legal product but is concerned that misuse is detrimentally affecting health, social, economic and capacity development initiatives in the town.
3. The position has been reached where elders, community leaders, women and agencies who work with those adversely affected are asking for a rest from the effects of alcohol in order that progress can be made in a number of social areas.
4. Community members are not asking for a total ban, as in Fitzroy Crossing, but rather an attempt at a more controlled environment which does not encourage family members to leave town.

Comment

1. The Wiluna Agreement expired on the 30 August 2007. On the 29 June 2007 the CEO of the Shire wrote to the Department of Racing Gaming and Liquor (DRGL) requesting a formal review of the Club Hotel's licence and take away restrictions. This request came as a result of a Council meeting held on the 21 June 2007.
2. The Director General of RGL Barry Sergeant is of the view that in the first instance all parties meet to try to resolve this concern at a local level. Wiluna Police OIC Graham Macey has agreed to facilitate this meeting in Wiluna and this will occur on 22nd October 2007.

Consultation

The Department of Racing Gaming and Liquor has written the following to the Police, the owners of the Hotel and the Shire:

1. As part of this initial process, where appropriate, the feasibility and effectiveness of a voluntary agreement be considered.
2. Discussion re voluntary restrictions should not be considered as part of an Accord framework at this stage.
3. Should voluntary restrictions be something that can be agreed upon, it is at that point that an Accord framework is best considered as an appropriate vehicle for the restrictions. The Office of Drug and Alcohol can then assist with this.
4. If a voluntary arrangement cannot be reached, then various parties may seek formal proceedings which may result in restrictions.

Statutory Environment

Nil

Policy Implications

1. The Shire has become involved because of the Wiluna Development Project. It is proposed to spend large amounts of money on capacity building and development with this project and results are being hindered by the social harm caused by excess alcohol consumption.
2. The Shire of Wiluna spent \$75,000 in the last financial year picking up rubbish which in the main consisted of picking up cans.

Financial Implications

As mentioned previously Council is concerned that the \$1.9 million allocated to the Wiluna Development Project will be less effective if there is not more effort put into alcohol harm reduction

Strategic Plan of Action

The Shire is proposing the following at a meeting to be held on 22 October 2007 with the Licensee and Police

1. Each of the parties agree to the following:
 - o Ban the sale of **all** take away alcohol on all Thursdays.
 - o Ban the sale of **all** take away alcohol on all Fridays.
 - o Restrict take away alcohol to 2pm – 5pm on all other days
 - o No take away alcohol is to be held behind the bar for collection before or after the hours affected by this agreement
 - o The Police will ensure that sly trading of alcohol on Thursdays and Fridays does not occur.
 - o Previous restrictions on types of alcohol available for take away to be continued.
2. Each of the parties agree to the Club Hotel hiring security staff to implement provisions of the Liquor Licensing Act, to ensure overcrowding does not occur and to move drinkers on who consume take away alcohol on the premises, including the outside verandas.
 - 2.1. Licensee is encouraged to provide alternative, responsible and safe events for those increased numbers likely wishing to patronize the hotel.
 - 2.2. Licensee will ensure that all occupational and safety requirements regarding the number of persons in the building, fire and sanitary regulations are adhered to.
 - 2.3. Licensee will ensure that all staff have received training in responsible service of alcohol.
3. Each of the parties agree that the Club Hotel will enforce a dress code on their premises that is the same for all members of the public who purchase alcohol. Particular emphasis will be placed on enforcement of dress code on Thursdays and Fridays when take away alcohol will be restricted.
4. The parties note that the Shire of Wiluna spent \$75,000 paying for black bags full of cans and rubbish in Wiluna during the financial year 2006-2007. The parties agree that the Club Hotel contribute \$20,000/annum to the Shire, beginning in the current financial year, for the clean up of the town.

5. Regular quarterly meetings to monitor implementation and impacts to be called.

Officer Recommendation/Draft Motion

The newly elected Council approves the present position on decreasing alcohol harm in the community and delegates the Shire President and Deputy President to negotiate on the Councils and their electors' behalf.

Councillor G Harris put forward a different motion that stated: *"The current motion be adjourned until new Councillors have had time to study the proposal and be relisted with 2 months."*

63/07 Council Decisions

MOVED Cr G Harris

SECONDED Cr L Peck
DEFEATED: 2/5

Thus, the original motion was voted upon:

MOVED Cr A Geary

SECONDED Cr K Farmer
CARRIED: 5/2

9.2 Manager Finance and Administration

9.2.1 Subject/Applicant:	Accounts paid by Authority
File:	Finance
Reporting Officer:	Vince Bugna, Manager Finance & Admin
Date of Report:	16 th October 2007
Disclosure of Interest	Nil

Summary

In accordance with the Financial Management Regulations a list of accounts paid by the Chief Executive Officer is presented to Council.

Background

The list of accounts for the period ending 30th September 2007 is listed as Appendix A – Blue Pages.

Comment

Nil

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35.l

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the accounts paid by authority for the period ended 30th September 2007 totalling \$250,622.68 be received, noted and incorporated in the Minutes of the meeting.

64/07 Council Decision

MOVED Cr C Carton

SECONDED Cr A Geary

CARRIED: 6/0

Councillor G Harris abstained from voting for reason that, "he does not understand the Financial Report."

9.2.2 Subject/Applicant:	Financial Report
File:	Finance
Reporting Officer:	Vince Bugna, Manager Finance & Admin
Date of Report:	16 TH October 2007
Disclosure of Interest:	Nil

Summary

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

Background

The reports for the period ending 30th September 2007 are listed as Appendix B – Green Pages.

Comment

Nil

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the Financial Reports for the period ending 30th September 2007 be received noted and incorporated in the Minutes of the Meeting.

65/07 Council Decision

MOVED Cr C Carton

SECONDED Cr A Geary

CARRIED: 6/0

Councillor G Harris abstained from voting for reason that, "he does not understand the Financial Report."

9.3 Manager Works & Services Officer Reports

Verbal Report

9.4 Principal Environmental Health Officer Reports

9.4.1 Subject/Applicant:	Development of food premise – D&M Betteridge
File:	Lot 64 – Wotton Street
Reporting Officer:	W.V. Atyeo – Principal EHO/Building Surveyor
Date of Report:	12 th October 2007
Disclosure of Interest:	Nil

Summary

In March 2006 Mr Betteridge was issued a planning permit to develop a kitchen/take-away premises with accommodation and ancillary buildings, on the allotment 64 Wotton Street, Wiluna. When Council granted the permit to develop a food premises on Lot 64 Wotton Street, condition 2.(e) stated:

"The time for completion of the development work is eighteen (18) months from the date of issue of the permit. Council may grant an extension of time, only on receiving written application from the developer and received at least three (3) months prior to the expiration of the time limits."

That time has elapsed and Mr and Mrs Betteridge have been informed of the situation and they now apply for another planning permit to continue and to complete the original request, which includes the repositioning of the kitchen facility as shown in the application.

I found the building to be sound in construction, and it had not been adversely affected by its transportation from another location. I also assessed it to comply with the relevant legislation and have highlighted

to the owners that some renovations (minor) that needed to be carried out on the building.

Background

The allotment that the owners wish to develop is zoned "commercial" under the Wiluna Town Planning Scheme, and the development of a food premises and accommodation is a "permitted use" under the Scheme. However, because a second-hand building is to be placed on the allotment, the matter had to be placed before Council for their approval.

I could see no reason why Council should not support the proposed development as outlined in their original application to Council.

Comments

As stated above, I have inspected the building and found it structurally sound, and apart from some minor damage, it is very suitable to be placed on the commercial lots. I have reported to Mr & Mrs Betteridge the minor damage to the rear entrance door and to a very small area of the extended cladding, and stated that these will need to be fixed.

In my report to the owners I also indicated the need for them to have their proposed development of the lot approved by Council, given that second-hand buildings were to be used in the development. It was also stated in my report that they would need to comply with other legislation such as the Building Code of Australia (BCA), and the Health Act.

Problems With The Application

The first problem is the fact that the building has stood on town for 15 months with little or no action and has been unsightly and untidy. Secondly, the applicants have had plenty of time to complete the development and thirdly Council is unhappy with the appearance of the building because it does not fit in with the long-term vision for the town. Council therefore has the option to vote against the proposal on the following grounds:

- The applicants have already had plenty of time to finish the development and have shown little urgency to complete task.
- Council is unhappy with the unsightly and untidy surrounds and is concerned that they will remain for another 18 months.
- Whilst the building has been found to be structurally sound its style, age and mining camp appearance does not fit in with Councils long term vision for the main street of the town.

Consultation

Mrs Betteridge
Mr Bill Atyeo (EHO/BS)
CEO Shire of Wiluna

Statutory Environment

Shire of Wiluna Town Planning Scheme

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation:

1. That Council approve the development of a food premise on Lot 64 Wotton Street, Wiluna as proposed by Mr and Mrs Betteridge.
2. That this approval is conditional upon:
 - (a) The use hereby permitted shall not cause injury to or prejudicially effect the amenity of the locality by reason of the processes carried on, the materials, goods and machinery used and stored or by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
 - (b) The use of the premises as applied for shall not be changed or added to without the consent of Council.
 - (c) No incinerator is to be provided or used on the site for the disposal of any rubbish or refuse. All rubbish and refuse shall be regularly removed to Councils tip.
 - (d) All stormwater emanating from the lot is to be discharged to a legal point of disposal so that it does not cross the boundaries of any adjacent lot or cause any detriment to the adjacent lots.
 - (e) The time for completion of the development work is eighteen (18) months from the date of issue of the permit. Council may grant an extension of time, only on receiving written application from the developer and received at least three (3) months prior to the expiration of the time limits.
 - (f) All parking of business vehicles and staff vehicles will be within the boundaries of the leased area at all times of the day and night.
 - (g) The developers will adhere to all other relevant and appropriate legislation in regard to this development and will apply for and acquire appropriate licences.
 - (h) Any breaches of any of the above conditions will be reported to Council for determination and may result in the planning permit being declared "null and void" if the breach is considered by council to be of a serious nature.

"Due to the Councils need to understand the issue the Council put forward a motion to delay the officer's recommendations 1 and 2(a) to (h) and the item be carried forward to the next Council Meeting in November.

66/07 Council Decision

MOVED Cr A Geary

SECONDED Cr G Harris
CARRIED: 7/0

9.5 Community Development Officer Reports

Verbal Report

9.6 Youth, Sports & Recreational Officer Reports

No Report

10 Elected Members Motion of Which Previous Notice Has Been Given

Nil

11 Urgent Business Approved by the Person Presiding or by Decision of Council

Nil

12 Matters behind Closed Doors

Nil

13 Closure

The meeting was declared close at 11.50am.