



# **SPECIAL MEETING OF COUNCIL**

to be held on

**Thursday 28 May, 2020**

**at 5.30pm**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'*

*DISCLAIMER*

*No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.*

*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Important Note:** Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

The President to declare the meeting open.

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

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**Item 3 Recording of Attendance****3.1 Attendance (by teleconference)****Council**

President Councillor Karen Chappel  
Deputy President Councillor Dean Carslake  
Councillor Jane Coaker  
Councillor Debbie Collins  
Councillor Yvette Harris  
Councillor Shirley Katona  
Councillor Ken Stokes

**Staff**

Acting Chief Executive Officer	Robert Paull
Executive Manager Corporate & Community Services	John van der Meer
Executive Manager Works and Assets	Paul Buist
Executive Assistant	Rondah Toms

**Members of the Public****3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

**3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

**Item 4 Applications for Leave of Absence****Item 5 Response to Previous Questions****Item 6 Public Question Time***Important note:*

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'*

**6.1 Public Question Time****6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****Item 7 Questions from Members without Notice****Item 8 Announcements by Presiding Member without Discussion****Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they have given due consideration to all matters contained in the agenda.

**Item 10 Confirmation of Minutes of Previous Meetings**

Nil

**Item 11 Reports of Officers****11.1 Chief Executive Officer****11.1.1 Planning Application for a Carport, Lot 3 (No.58) Gill Street, Morawa**

**Author:** Planning Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council resolve to grant development approval for the proposed carport on at Lot 3 (No.58) Gill Street, Morawa subject to the following conditions:

1. Development shall be in accordance with the approved plan(s). The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. The development shall be consistent or complementary in colour with the existing building to the approval of the local government.
3. All stormwater is to be disposed of on-site to the approval of the local government.

**Notes:**

- i. Should the development/land use, the subject of this approval, is not substantially commenced within a period of 2 years after the date of determination, the approval shall lapse and be of no further effect.
- ii. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- iii. If the applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- iv. With regards to Condition No.3, on application for a building permit a detailed design of stormwater collection and disposal system of developed areas is to be supplied.
- v. It is recommended that the services of a licensed surveyor be employed to verify the exact boundary position.

***SIMPLE MAJORITY VOTE REQUIRED***



## PURPOSE

The owner of Lot 3 (No.58) Gill Street, Morawa (the Applicant) is seeking approval to construct a carport on the stated property. The property is zoned Residential R10/30 under Local Planning Scheme No.2.



**Lot 3 (No.58) Gill Street, Morawa**

## DETAIL

The proposed carport is to be 5.2m in length, 4.1m in width and has a maximum wall height of 3.6m. The carport is proposed to be setback 4.8m from the primary street and 3.2m from the adjoining property. The Applicant is seeking to reduce the primary street setback from the required 7.5m (as per Table 1 of the *Residential Design Codes*) to 4.8m.

The proposed carport complies with the Deemed-to-comply provisions of the Residential Design Codes.

“C2.1 Buildings set back from the primary street boundary:

- i. in accordance with Table 1;
- ii. corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street;
- iii. reduced by up to 50 per cent provided that the area of any building, including a carport or garage, intruding into the setback area is compensated for by at least an equal area of open space between the setback line and line drawn parallel to it at twice the setback distance.”

The proposed carport is not considered to negatively impact:

- adjoining or nearby landowner; or
- nor the existing street scape.

As per Clause C2.1 iii of the R Codes, the proposed carport can be reduced by up to 50% provided that it averages not less than 3.75m. with respect to this application, the proposed carport deems to comply with R Codes as it is to be set back within the averaging distance.

**LEVEL OF SIGNIFICANCE**

Low - should Council resolve to refuse or conditionally approve the proposal the applicant has a right of review through the State Administrative Tribunal which may incur legal costs.

**CONSULTATION**

No public consultation is required as the proposed carport deems to comply with the *Residential Design Codes*.

**LEGISLATION AND POLICY CONSIDERATIONS**

*Shire of Morawa Local Planning Scheme No. 2*  
*State Planning Policy – 3.1 Residential Design Codes*

**FINANCIAL AND RESOURCES IMPLICATIONS**

Under Council's 2019/20 adopted 'Fees and Charges, the following fees apply:

- Planning Application Fee: \$147.00
- Building Permit Application Fee: \$166.65
  - Fees have been received 25 May 2020

**RISK MANAGEMENT CONSIDERATIONS**

Non known.

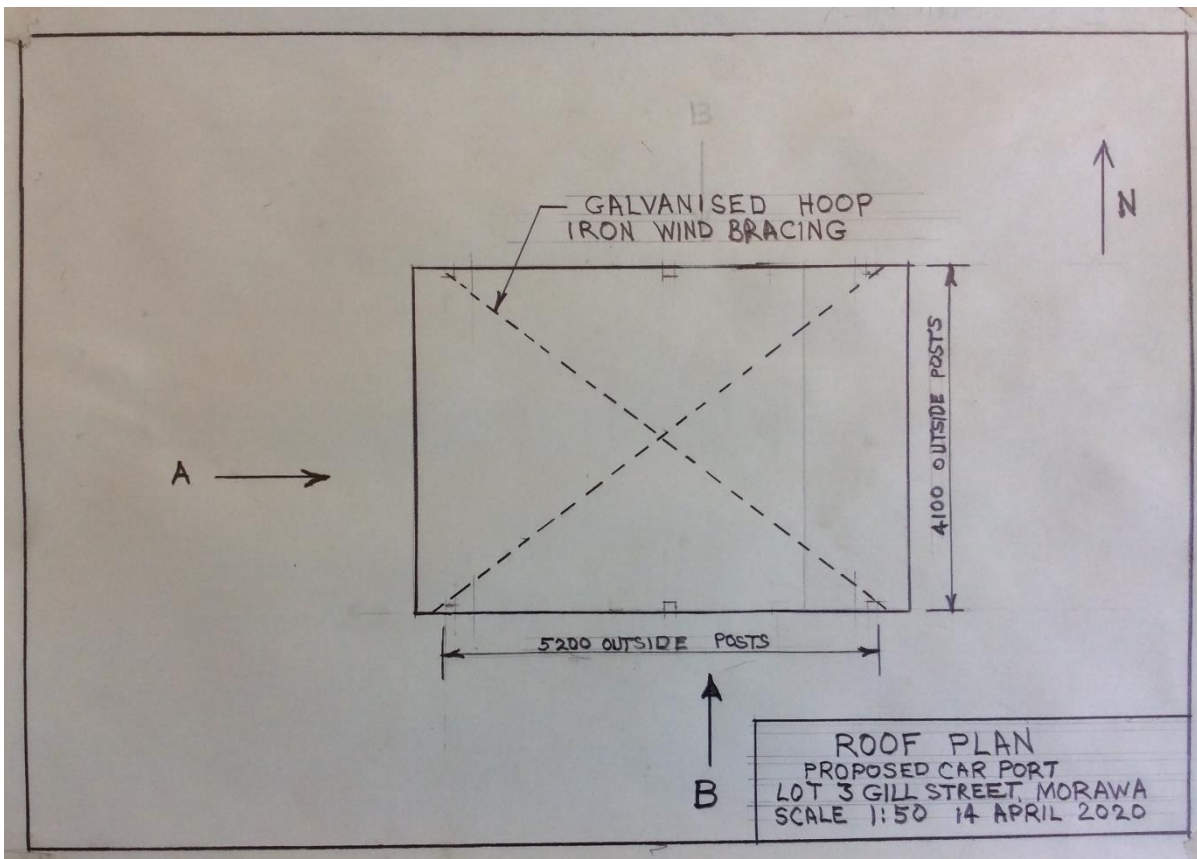
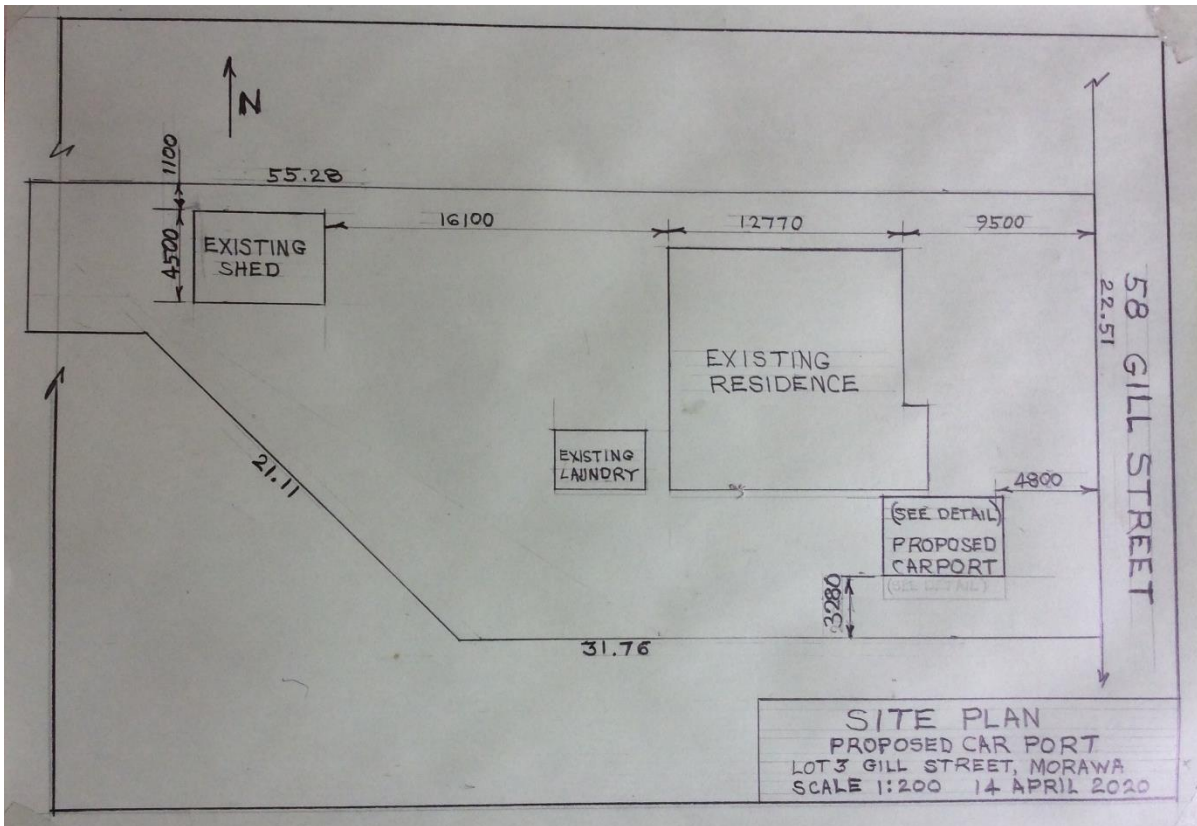
**CONCLUSION**

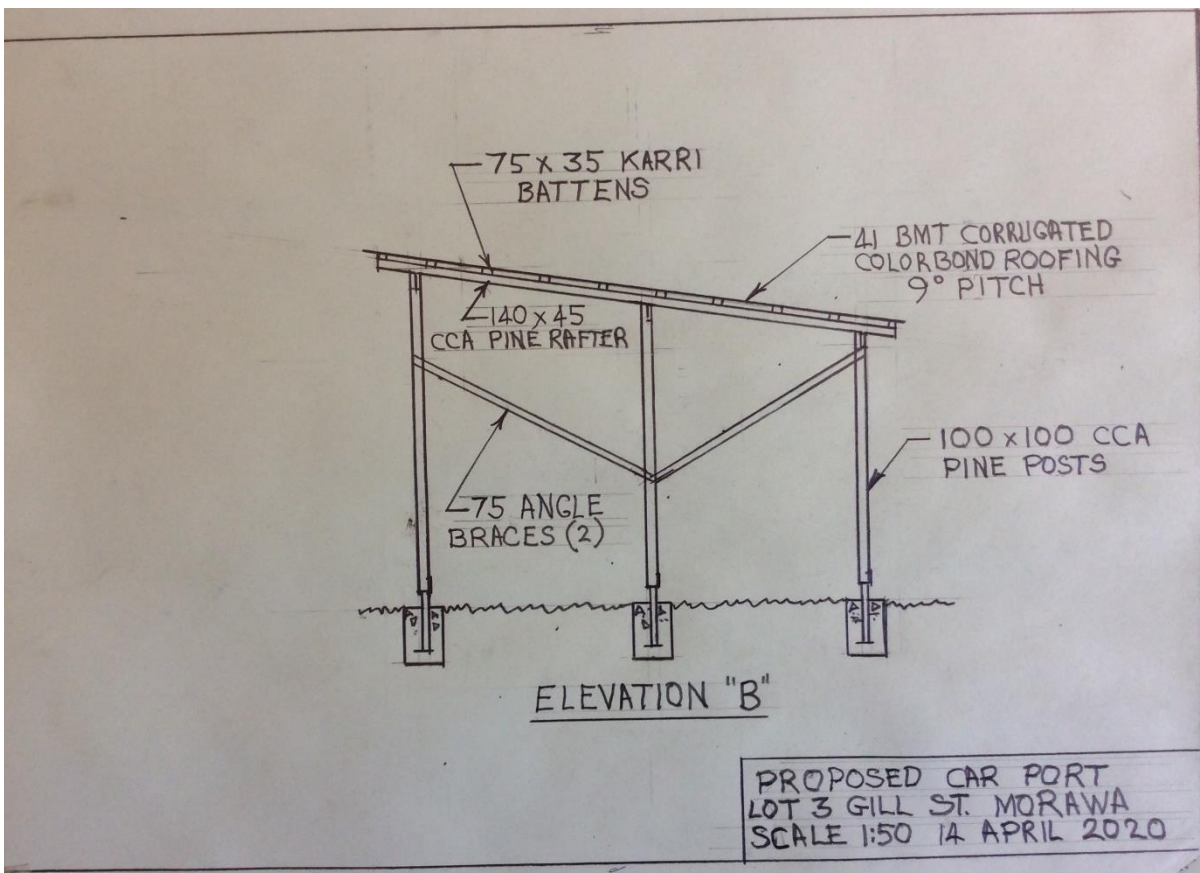
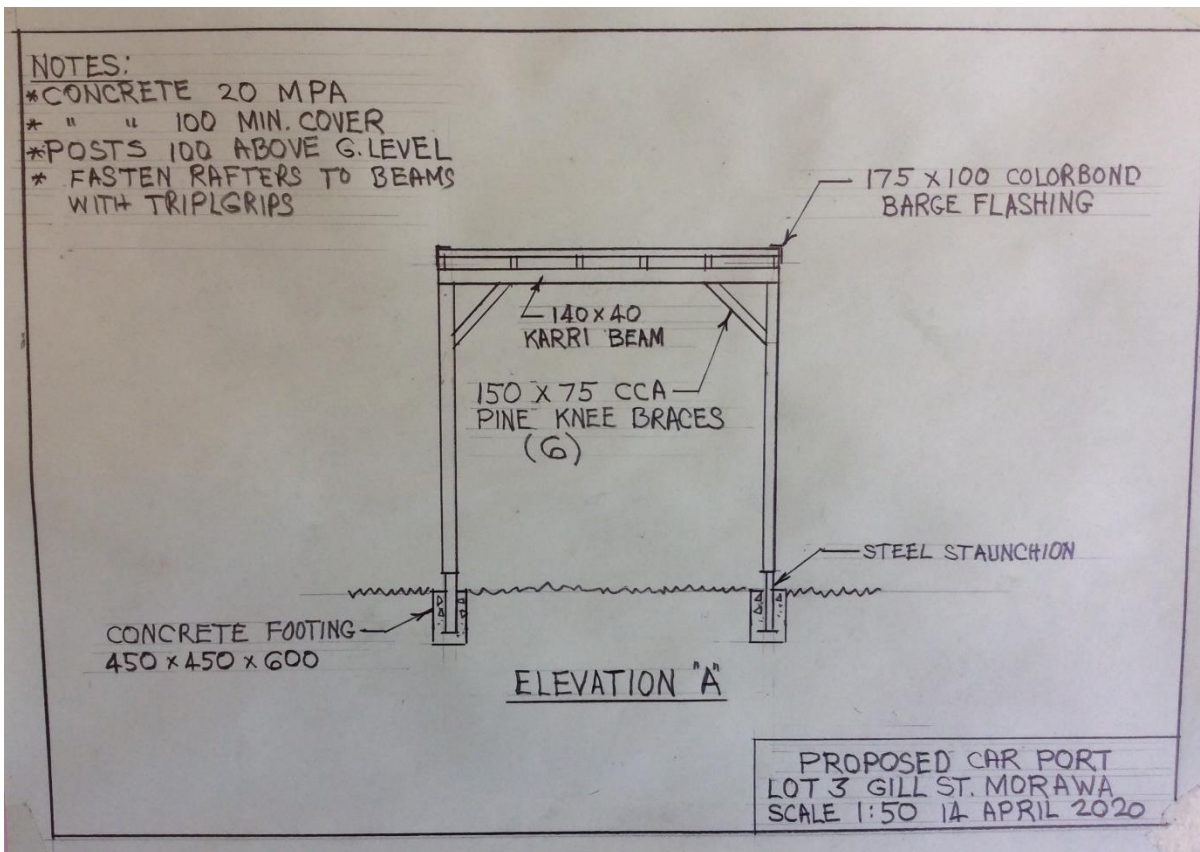
Council is recommended to grant development approval for the proposed carport at Lot 3 (No.58) Gill Street, Morawa.

**ATTACHMENTS**

*Attachment 1 – 11.1.1 Carport Plans*

Attachment 1 – 11.1.1 Carport Plans





## 11.2 Executive Manager Corporate & Community Services

### 11.2.4 Budget Efficiency and Setting of Differential Rates

**Author:** Executive Manager Corporate & Community Services

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

#### OFFICER'S RECOMMENDATION

That Council resolves:

- Pursuant to sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, and in accordance with Council *Resolution 200402* of 2 April 2020, to adopt a *Nil Increase* from 2019/20 cents in the dollar rate across all rate categories to form the rate setting for the 2020/2021 Budget, as detailed below (before any discounts or ex gratia approvals):

Shire of Morawa				
Projected income in rate revenue 2020/2021				
	2020/2021			
	Property count	Rateable value	Rate in \$	Projected Income
General Rates				
GRV Residential/Commercial	267	\$ 2,790,743	\$ 7.8919	\$ 220,243
UV Rural	205	\$ 69,308,000	\$ 2.2815	\$ 1,581,262
UV Mining	17	\$ 563,345	\$30.1974	\$ 170,116
	489	\$ 72,662,088		\$ 1,971,620
Minimum Rates				
GRV Residential/Commercial	44	\$ 27,054	\$ 303	\$ 13,332
UV Rural	8	\$ 71,800	\$ 303	\$ 2,424
UV Mining	8	\$ 7,752	\$ 683	\$ 5,464
	60	\$ 106,606		\$ 21,220
<b>Totals</b>	<b>549</b>	<b>\$ 72,768,694</b>		<b>\$ 1,992,840</b>

- Pursuant to the *Local Government (COVID-19 Response) Order 2020*, authorise the Chief Executive Officer to publish within ten (10) days on the Shire's website, the proposed Differential Rates for 2020/2021 as adopted in 1. above.

3. Pursuant to *Local Government (COVID-19 Response) Order 2020*, authorise the Chief Executive Officer to advise the Minister for Local Government; Heritage; Culture & the Arts of Council's decision to adopt a *Nil Increase* from 2019/20 in the cents in the dollar rate across all rate categories to form the basis of the proposed rate setting for the 2020/2021 Budget.

**ABSOLUTE MAJORITY VOTE REQUIRED**

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## PURPOSE

The purpose of this report is to address the system of differential rating for properties in the Shire as part of the financial year 2020/2021 Budget, based on the received valuation roles from the State Government (Landgate). It is noted that due to the COVID-19 pandemic, the State Government has amended the statutory obligation of local governments where they resolve a nil increase from the 2019/20 cents in the dollar rate across all rate categories to form the basis of the proposed rate setting for the 2020/2021 Budget.

## DETAIL

On 2 April 2020, Council adopted a resolution to have a *Nil Increase* regarding the rates – i.e. cents in the dollar rates whilst accepting the valuations by Landgate as given.

In Circular No. 03-2020 (dated 8 May 2020) the Minister for Local Government; Heritage; Culture & the Arts ('Minister') advised that local governments are strongly encouraged not to increase their cents to the dollar rates so as to support rate payers in the wake of the COVID-19 pandemic. Also, the Minister indicated that it is desirable that the instalment and penalty interest rates be limited to a maximum of 5.5% and 8% respectively

A local government may impose differential general rates based on the predominant purpose for which the land is held or used. Normally, ministerial approval will need to be obtained to impose a differential rate which is more than twice the lowest differential rate imposed.

On 8 May 2020, the Minister Gazetted "*Local Government (COVID-19 Response) Order 2020*" which, amongst other things, contained measures to limit the costs and time spent by local governments where Council resolve to adopt a nil increase in their cents in the dollar rates (from 2019/20) for the differential rates for financial year 2020/2021.

The measures referred in "*Local Government (COVID-19 Response) Order 2020*" include:

- s6.33: It is not required to seek ministerial approval for differential rates if approval was sought and received in the financial year 2019/2020 and the local government resolves to freeze the differential rates for this financial year.
- s6.36: A local government that resolves to set differential rates and minimum payments levels at a level no higher than those imposed in 2019/2020, will not have to comply with the provision of section 6.36. The local government will be required to publish the differential rates and minimum payments on their website within ten (10) days of the resolution.

For the financial year 2020/2021, it is recommended Council maintain the differential rates at the same levels as the previous financial year, resulting in the cents to the dollar rates as follows:

	<b>2019/2020</b>	<b>2020/2021</b>
• GRV Residential/Commercial	7.8919	7.8919
• UV Rural	2.2815	2.2815
• UV Mining	30.1974	30.1974

These rates are in accordance with Council's position associated with the Special Meeting held on 2 April 2020 (**Resolution 200402**) and adheres to the Government's explicit direction on maintaining the current levels of rates (cents to the dollar rates) to assist and support rate payers in the wake of the COVID-19 pandemic.

Under normal circumstances, Council is required, as part of the differential rating process, to consider budget efficiencies so that Council does not rely on differential rates without looking for alternative options. Given the COVID-19 pandemic, however, this financial year will see the use of the same rates as the previous financial year in order to provide support to Shire residents and businesses.

### **Matters Considered as part of the Budget Process**

For this financial year, Council considered the direction provided by the Minister regarding the setting of rates, interest rates and other financial matters due to the COVID-19 pandemic and the declared State of Emergency.

Also, the (re)valuations of properties as published by Landgate are used at face value meaning that, for budget purposes, Council accepts the received values as given. There have been no other matters considered in setting the rates (cents to the dollar rates) for the financial year 2020/2021.

### **Changes in Property Values**

There has been no revaluation role(s) received for **GRV Residential / Commercial** properties this year with the next review due to be undertaken in 2021 (last done with effect from 1/07/2017) as part of the 5-year review process.

As advised by the Valuer General, **rural properties** from 1 July 2020 will see a value increase by **\$2,651,000 – or 3.97% on average.**

As advised by the Value General, mining tenements will see a value increase of 14% on average or \$74,204 in the area compared to the 2019/2020 adopted budget Please note that the comparison with the actual financial data as a 30 April 2020 show an increase of 8.3% as the actuals show an overall UV Mining valuation of \$527,370 compared to the \$496,893 in the adopted budget 2019/2020

It is noted that, currently, the revised valuations for rural properties and mining tenements lead to an increase in rates income given the same cents to the dollar rate as shown as follows:

General Rates	2019/20 Valuation in adopted budget	2019/2020 actual (as at 30 April)	2020/2021 Valuation	Rate at Nil Increase	Income projections for 2020/21*
GRV Res/Comm	\$2,790,743	\$2,790,743	\$2,790,743	\$0.078919	\$220,243
Rural	\$66,657,000	\$66,657,000	\$69,308,000	\$0.022815	\$1,581,262
Mining	\$491,465	\$519,775	\$563,345	\$0.301974	\$170,116
Totals					<b>\$1,971,620</b>

\* projected rates income FY 2020/21 before discounts.

Minimum Rates	2019/20 Valuation	2019/2020 actual (as at 30 April)	2020/2021 Valuation	Rate at Nil Increase	Income projections for 2020/21*
GRV Res/Commercial	\$27,054	\$27,053	\$27,054	\$303	\$13,332
Rural	\$76,100	\$76,100	\$71,800	\$303	\$2,424
Mining	\$5,428	\$7,595	\$7,752	\$683	\$5,464
Totals					<b>\$21,220</b>

Total rates payable (before discounts, ex gratia approvals and write offs) is: **\$1,992,840** which is a **\$82,871** or a **4.3% increase** compared to 2019/2020 adopted budget figures.

### Matters Regarding Differential Rating and Minimums

In line with the draft budget process and adopted resolution, the minimum rates for GRV, UV Rural and UV Mining properties are to be maintained on the same levels as the financial year 2019/2020.

### LEVEL OF SIGNIFICANCE

High significance – Setting the 2020/2021 rates in cents to the dollar is a significant part of the development of the 2020/2021 budget and portrays the anticipated general revenue.

### CONSULTATION

Councillors (Briefing Session 21 May 2020)  
Acting Chief Executive Officer

### LEGISLATION AND POLICY CONSIDERATIONS

*Local Government (COVID-19 Response) Order 2020*

*Local Government Act 1995*

“s 6.33. *Differential general rates*

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*



- (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
  - (b) *a purpose for which the land is held or used as determined by the local government; or*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
- (a) *specify the characteristics under subsection (1) which a local government is to use; or*
  - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*
- (5) *A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.”*

*Local Government (Financial Management) Regulations 1996*

*“s52A. Characteristics prescribed for differential general rates (Act s. 6.33)*

- (1) *In this regulation —*
- commencement day** *means the day on which the Local Government (Financial Management) Amendment Regulations (No. 2) 2012 regulation 5 comes into operation<sup>1</sup>;*
- relevant district** *means a district that —*
- (a) *is declared to be a district by an order made under section 2.1(1)(a) on or after commencement day; or*
  - (b) *has its boundaries changed by an order made under section 2.1(1)(b) on or after commencement day.*
- (2) *For the purposes of section 6.33(1)(d), the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district —*
- (a) *whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);*
  - (b) *whether or not the land is situated in a particular part of the district of the local government.”*

An application to the Minister for Local Government is normally required for approval to impose a differential general rate under s6.33 (3) of the *Local Government Act 1995* that is more than twice the lowest differential rate being imposed.

*Local Government (COVID-19 Response) Order 2020* removes the approval process where a local government maintains the rate of the previous financial year.

## FINANCIAL AND RESOURCES IMPLICATIONS

The level of rates raised including the impact of the differential rates for UV Mining is summarised in **Attachment 1** (Projected Rates Income for FY 2020/2021).

### Strategic Plan Outcomes

In relationship to the Strategic Community Plan 2018-20298 and the Corporate Business Plan 2018-2022, the following outcomes apply.

Outcome 4.5 Long term financial viability.	
Reference	Strategy
4.5.1	Maintain a Financial Health Indicator (FHI) score within acceptable benchmarks
4.5.2	Continue to assess quality and usage of the Shire's services, facilities and assets.
4.5.3	Ensure currency of all required IPRF documents including Assets Management Plans, Plant Replacement Programs, Corporate Business Plans and Long-Term Financial Plans.

## RISK MANAGEMENT CONSIDERATIONS

Under the Shire's risk governance framework non-compliance with the requirements regarding differential rates is a major risk – i.e. imposed penalties. Such a penalty would be imposed by the DLGSCI. Through complying with the requirements of the DLGSCI Rating Policy: Differential General Rates, the risk is mitigated from High to Low.

## CONCLUSION

It is recommended that Council adopts a *Nil Increase* from 2019/20 in the cents in the dollar rate across all rate categories to form the rate setting for the 2020/2021 Budget.

In addition, the CEO is requested to publish the general and minimum rates (cents in the dollar) on the Shire's website within 10 days in accordance with the *Local Government (COVID-19 Response) Order 2020 (SL 2020/57)* and notify the Minister of doing so.

## ATTACHMENTS

*Attachment 1* – 11.2.4 Projected Rates Income for FY2020/2021

## Attachment 1 – Projected Rates Income for FY 2020/2021

Shire of Morawa										
Projected rate income with Nil Increase compared to 2019/2020										
	2019/2020					2020/2021				
	Property count	Rateable value	Rate in \$	Projected Income		Property count	Rateable value	Rate in \$	Projected Income	
General Rates										
GRV Residential/Commercial	267	\$ 2,790,743	7.8919	\$ 220,243		267	\$ 2,790,743	\$ 7.8919	\$ 220,243	
UV Rural	205	\$ 66,657,000	2.2815	\$ 1,520,779		205	\$ 69,308,000	\$ 2.2815	\$ 1,581,262	
UV Mining	18	\$ 491,465	30.1974	\$ 148,410		17	\$ 563,345	\$ 30.1974	\$ 170,116	
	490	\$ 69,939,208		\$ 1,889,432		489	\$ 72,662,088		\$ 1,971,620	
Minimum Rates										
GRV Residential/Commercial	44	\$ 27,054	\$ 303	\$ 13,332		44	\$ 27,054	\$ 303	\$ 13,332	
UV Rural	8	\$ 76,100	\$ 303	\$ 2,424		8	\$ 71,800	\$ 303	\$ 2,424	
UV Mining	7	\$ 5,428	\$ 683	\$ 4,781		8	\$ 7,752	\$ 683	\$ 5,464	
	59			\$ 20,537		60	\$ 106,606		\$ 21,220	

Note: The Value General has provided through Landgate new valuations for the categories *UV Rural* and *UV Mining*.

### **11.3 Economic Development Manager**

Nil

### **11.4 Executive Manager Works & Assets**

Nil

<b>Item 12 Reports of Committees</b>
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Nil

<b>Item 13 Motions of Which Previous Notice Has Been Given</b>
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Nil

<b>Item 14 New Business of an Urgent Nature</b>
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Nil

<b>Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)</b>
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Nil

<b>Item 16 Closure</b>
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#### **16.1 Date of Next Meeting**

The next meeting will be the Ordinary Meeting of Council to be held on Thursday, 18 June 2020 commencing at 5.30pm.

#### **16.2 Closure**

There being no further business, the President to declare the meeting closed.