



# AGENDA

Special Council Meeting

8 September 2023

Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 11.00AM

## **DISCLAIMER:**

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

### Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

### **E – Disclaimer**

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

**Commonly-used abbreviations**

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager

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# AGENDA

Special Meeting of the Victoria Plains Shire Council  
To be Held in the Calingiri Shire Chambers and via E-meeting Protocol  
on 8 September 2023 commencing at 11am.

## 1. DECLARATION OF OPENING

### 1.1 Opening

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### 1.2 Announcements by Shire President

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## 2. REMOTE ATTENDANCE BY ELECTED MEMBERS

**THAT:**

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

<b>Approval to Attend and Declaration of Confidentiality</b>
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**THAT:**

Cr \_\_\_\_\_ has been approved to attend the \_\_\_\_\_ by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

### 3. RECORD OF ATTENDANCE

Members present

Staff attending

Apologies

Approved leave of absence

Visitors

Members of the public

### 4. DISCLOSURES OF INTEREST

*Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.*

Type	Item	Person / Details
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3.1 Financial

3.2 Proximity

3.3 Impartiality

### 5. PUBLIC QUESTION TIME

*Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.*

#### 5.1 Public Questions With Notice

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#### 5.2 Public Questions Without Notice

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### 6. PRESENTATIONS AND DEPUTATIONS

#### 6.1 Presentations

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#### 6.2 Deputations

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## **7. APPLICATIONS FOR LEAVE OF ABSENCE**

## **8. MINUTES OF MEETINGS**

### **8.1 Confirmation of Council Meeting Minutes**

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N/A

PUBLIC AGENDA

**9. REPORTS REQUIRING DECISION****9.1 Caravel Copper Project – Assessment No. 2360 – Environmental Scoping Document Response**

<b>File reference</b>			
<b>Report date</b>	7 September 2023		
<b>Applicant/proponent</b>	Department of Water and Environmental Regulation		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Item 9.5, OCM 23 August 2023 - 2308-06		
<b>Prepared by</b>	Sean Fletcher, CEO		
<b>Senior Officer</b>	N/A		
<b>Authorised by</b>	CEO		
<b>Attachments</b>			
Attachment 1	Page	2	Under Confidential Cover – Caravel Minerals Draft Environmental Scoping Document
Attachment 2	Page	37	Under Confidential Cover - Recommended Responses to Caravel Minerals Draft Environmental Scoping Document.

**PURPOSE**

For Council to adopt the CEO's recommended responses to DWER's request for comments on the draft Environmental Scoping Document (ESD) prepared by Caravel Minerals Ltd regarding the Caravel Copper Project which also refers to the indicative "Gillingarra" bore field.

**BACKGROUND**

Mr Richard Newman, Manager EIA South, EPA Services at the Department of Water and Environmental Regulation (DWER) has written to the author seeking comments regarding the draft Environmental Scoping Document (Attachment 1) prepared by Caravel Minerals regarding the Caravel (Wongan) Copper Project.

Mr Newman requires a response to his request by 13 September 2023.

**Reason for Request**

The Caravel Copper Project is currently being assessed by the Environmental Protection Authority (EPA) under the Environmental Protection Act 1986. The EPA assess projects that are likely to have a significant impact on the environment.

The EPA has received and is currently reviewing the draft Environmental Scoping Document (ESD) submitted by the Proponent for the Project, which outlines the technical studies, investigations and management plans that the proponent will undertake.

A briefing note regarding this matter was circulated to all councillors on Friday 18 August 2023.



At its meeting on 23 August 2023 (Item 9.5), Council resolved the following:

That Council:

1. **REQUESTS** the CEO to prepare a response for its consideration regarding the draft Environmental Scoping Document (ESD) prepared by Caravel Minerals Ltd regarding the Caravel Copper Project.
2. **PRESENTS** the response regarding Point 1 for Council's consideration at a special council meeting before 7 September 2023.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

The Shire's s Contract Environmental Health Officer, Mr Gordon Houston, in consultation with the author briefed Council on 23 August 2023 on the process regarding the EPA's assessment of Caravel Mineral's environmental scoping document. Councillors were also asked for any feedback they may have for consideration and inclusion in the recommended responses.

Mr Houston subsequently prepared the response document (Attachment 2) in consultation with the CEO. This was subsequently finalised on 5 September 2023. The CEO and President attended a stakeholders briefing by Caravel Minerals on 5 September 2023. Caravel Minerals will probably undertake the same presentation with Council at the September meeting.

A notice was then prepared by the President to the CEO on 6 September 2023 requesting a special meeting to consider this matter, along with motions for consideration at the WALGA September 2023 AGM

A copy of the recommended responses was then issued to all councillors electronically on the afternoon of 6 September 2023.

#### **COMMENT**

As per Mr Houston's recommended responses, he notes that while the Proposal includes a minesite with its own impacts (located within a neighbouring shire, this response is directed specifically to the proposed 8,257 ha Borefield Development Envelope (BDE) and the 928 ha Pipeline Development Envelope (PDE) contained within the Shire.

#### **CONSULTATION**

- August 2023 Council Briefing Session and further briefing session on 23 August 2023;
- Mr Gordon Houston, Contract Environmental Health Officer re development of draft response;
- Mr Robert Newman, EPA Services. Mr Houston discussed the requirements with Mr Newman;
- Cr Lovelock provided feedback to the CEO;
- Shire President regarding the EPA process and requirements;
- Ms Chantal Hartstone, Corporate Affairs Manager - Caravel Minerals regarding the Shire being advised of the draft ESD and subsequently the type of information the Shire is required to provided (environmental studies, format of the ESD).

**STATUTORY CONTEXT**

Nil

**CORPORATE CONTEXT**

**Strategic Business Plan/Corporate Business Plan**

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
<b>3. ENVIRONMENT</b>	
3.2 Conservation of our natural environment and resources	Nature reserves in our control are managed and protected
	Shire water resources are efficient, equitable and we advocate for improvements in the network

Strategic Priority 3.2 is at the heart maintaining a balance between commercial/industrial activity and development and its impact on the stewardship that the Shire has regarding the natural environments and resources, which includes water sources.

**Risk Analysis**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<b>Environmental</b>  By not having input into the review of the draft Caravel ESD: <ul style="list-style-type: none"> <li>The opportunity is lost to have input into the EPA's initial assessment of the ESD;</li> <li>This could be construed as Council having no concern regarding the environmental impacts of the project in the Shire</li> </ul>	Catastrophic (5)  Uncontained irreversible impact  EPA has made it clear this is a significant impact, hence this agency's involvement in the assessment process	Likely (4)  The event could occur at some time(  At least once in 10 years	Extreme (20)	CEO & Council  Risk generally not acceptable	Council/CEO using available opportunities to provide comment/feedback on proposals  The overall environmental risk will still remain high. However, the Shire meets its expectations regarding stewardship in these matters.

**FINANCIAL IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Absolute majority required:            No

<b>Officer Recommendation</b>
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Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

That Council:

1. **ADOPTS** the CEO’s recommended responses in Attachment 2 regarding DWER’s request for comments on the draft Environmental Scoping Document prepared by Caravel Minerals Ltd regarding the Caravel Copper Project which also refers to the indicative “Gillingarra” bore field; and
2. The CEO **SUBMITS** the responses referred to in Point 1 to EPA Services at DWER by 13 September 2023.

For \_\_\_\_\_ / Against \_\_\_\_\_

PUBLIC AGENDA

## 9.2 WALGA's Annual General Meeting 18 September 2023 – Consideration of Executive and Member Motions

<b>File reference</b>			
<b>Report date</b>	7 September 2023		
<b>Applicant/proponent</b>	Council		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>			
<b>Prepared by</b>	Sean Fletcher, CEO		
<b>Senior Officer</b>	Nil		
<b>Authorised by</b>	Sean Fletcher, CEO		
<b>Attachments</b>			
Attachment 1	Page	2	WALGA AGM Agenda 18 September 2023

### PURPOSE

For Council to consider the motions put forward at the WALGA AGM on 18 September 2023 at the Crown, Perth.

### BACKGROUND

WALGA holds its Annual General Meeting each year as part of the Local Government Convention (Local Government Week). As part of the AGM, the WALGA Executive and member local governments can put forward motions for consideration. There are six motions for consideration at this year's AGM (Attachment 1 – Page 2).

### COMMENT

The following is a summary of the motions to be presented and background information to whether assist the Shire's voting delegates at the AGM

<b>Motion</b>	<b>In Brief</b>	<b>Comment</b>	<b>Support Yes/No</b>
<b>5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district</b>			
Shire of York to Move:  <b>That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.</b>	The Planning and Development (Development Assessment Panels) Regulations 2011 and the State Administrative Tribunal Act 2004 do not currently enable a local government the automatic right to be included as a Party to the SAT.  This impacts local governments' ability for input and consultation on development proposals within its district, and the ability for the local government to appropriately represent and act on behalf of its community.	This matter has been discussed at both the AROC Governance Group and the AROC Officer's Group.  As per the In-Brief comments I	Yes

Motion	In Brief	Comment	Support Yes/No
<b>5.2 Land Use Policy</b>			
<p>Shire of Moora to Move:</p> <p><b>That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.</b></p>	<p>The future of the Australian agriculture sector holds tremendous potential. To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources.</p> <p>The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses.</p>	<p>The Shire of Moora notes the alarming loss of Wheatbelt agricultural land due to its conversion for carbon sequestration purposes. This conversion locks significant parcels of land away for extended periods, hindering innovative farming practices and shorter-term restorative initiatives.</p> <p>State Planning Policy 2.5 stipulates supporting primary production and WAPC will seek to protect rural land as a state resource</p>	Yes

Motion	In Brief	Comment	Support Yes/No
<b>5.3 Transparency – Management Order Determinations</b>			
<p>Shire of Carnarvon to Move:</p> <p><b>That WALGA:</b></p> <p><b>1. Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;</b></p> <p><b>2. Ensure the review recognises the cost burden on local governments in managing reserves and options for</b></p>	<p>A review of management orders that recognises the cost impost on Local Government in managing reserves and removes the restrictions on local government to enter into commercial leases that could assist with cost recovery, is urgently needed.</p> <p>The current policies, decision making criteria and guidelines lack transparency and appear to disadvantage local governments.</p>	<p>The Shire of Carnarvon, like most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.</p> <p>WALGA has been informed that DPLH, under delegated authority, is refusing some Local Government requests for new or renewed leasing of Crown Land</p>	Yes

<p>supporting local governments in meeting that responsibility; and</p> <p>3. Calls for proactive consultation and advice to Local Government management bodies.</p>		subject to Management Orders	
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Motion	In Brief	Comment	Support Yes/No
<b>5.4 Regional and Remote Housing</b>			
<p>Shire of East Pilbara to Move:</p> <p><b>That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.</b></p>	<p>Calls on WALGA to broaden its advocacy for additional affordable housing in remote and regional areas to incentivise small business expansion and attract key workers and their families to remote and regional areas of WA.</p>	<p>A lack of affordable key worker housing is a significant barrier to economic development in many regional areas of the state.</p> <p>One of the road blocks now at both Commonwealth and State level re appropriate housing is the switch in focus from key worker housing to social or affordable housing only.</p> <p>Regional areas need both key worker housing and social housing</p>	Yes

Motion	In Brief	Comment	Support Yes/No
<b>5.5 Proposed New WALGA Constitution</b>			
<p>Executive Member to Move:</p> <p><b>That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached:</b></p> <p><b>Minimum of 8 up to a maximum of 11 Board members:</b></p> <ul style="list-style-type: none"> <li>• <b>President of State Council</b></li> <li>• <b>Deputy President of State Council</b></li> </ul>	<p>This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the current Constitution but otherwise maintaining the current governance model) will be presented.</p>	<p>Council at its meeting on 14 December 2022 resolved the following regarding the proposed Governance Model</p> <p>1 Option 1 2 Option 5 3 Option 3 4 Option 2 5 Option 4:</p> <p>A separate overview of each</p>	No

<ul style="list-style-type: none"> <li>• <b>6 members elected from and by State</b></li> <li>• <b>Council members (3 from Metropolitan; from Country)</b></li> <li>• <b>Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible.</b></li> </ul> <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms).</p> <p>The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.</p>	<p>If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.</p> <p>Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.</p>	<p>option is provided below</p>	
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**Summary of Options 1 - 5**

Option	Pros	Cons	Comment
1	Board is reduced from 25 to 11 members, with up to three independents	Policy Council. Creates an additional layer of governance and is perhaps unwieldy given that it can be split into policy teams	<ul style="list-style-type: none"> <li>• From a management perspective, teams of no more than 8 -10 are generally considered the most productive;</li> <li>• Zones are retained as is</li> </ul>
2	<ul style="list-style-type: none"> <li>• Board is reduced from 25 to 11 members;</li> <li>• The Shire can nominate its preferred regional body i.e. a body that has similar communities of interest;</li> <li>• Perhaps more agile</li> </ul>	Local governments may perceive that the regional bodies are too large	<ul style="list-style-type: none"> <li>• Zones are abolished</li> </ul>
3	<ul style="list-style-type: none"> <li>• Board is reduced from 25 to 15 with two independent members from outside;</li> <li>• Zones reduced</li> </ul>	Country Zones may not be quite correct. Significant redrawing work required	Metro Zones are expanded

4	<ul style="list-style-type: none"> <li>Board is reduced from 25 to 11 members, with up to three independents;</li> <li>Members can choose the type of regional group to be a part of</li> <li>Perhaps more agile</li> </ul>		In this scenario, the local government could be part of one entity or many.
5	Local government is familiar with this current process	<ul style="list-style-type: none"> <li>Board is too large;</li> <li>Slow to respond;</li> <li>Zones may not suit some members</li> </ul>	Status Quo

Although Council did resolve that the governance model as proposed in the AGM agenda (this is framed as the alternate model to the current model) was its first choice, the current model was endorsed as its second choice.

Feedback was subsequently sought from Members in relation to the proposed alternate model. A further report detailing the feedback was presented to State Council at its last meeting on 3 May 2023. At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and
- Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.

This resulted in two versions of the Association Constitution being presented to State Council for consideration at the meeting on 5 July 2023 as follows:

- The first being a new Constitution, giving effect to an alternate governance model, as per the Best Practice Governance Review Final Report; and
- The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes. State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Given that State Council resolved the above, it perhaps suggest that there is some lack of confidence around the proposed alternate governance model. In this situation, Council may wish to suggest to its delegates that the status quo is retained.

## CONSULTATION

CEO



**STATUTORY CONTEXT**

Nil

**CORPORATE CONTEXT**

**Strategic Community Plan**

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
<b>4. CIVIC LEADERSHIP</b>	
4.1 Forward planning and implementation of plans to achieve community priorities	We attend meetings of key local and regional organisations to jointly plan for our community

**Risk Management (Risk Governance Framework)**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<b>Reputation</b>  As member of the local government system, the Shire needs to have and put a position on the motions before the AGM	Minor (2)  Substantiated, low impact, low news profile  Example Local paper/Industry news article, Facebook item seen by multiple groups	Possible (3)  The event will probably occur in most circumstances(>50% chance)  At least once per year	Moderate (6)	<b>Service Manager</b>  Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring  <b>Control Rating:</b> Effective	By the CEO providing advice on such matters, Council makes informed decisions regarding the suitability of motions presented to the WALGA AGM  The above keeps the risk very low

**FINANCIAL IMPLICATIONS**

Travel and accommodation costs may be required for those who attend the WALGA AGM.

**VOTING REQUIREMENTS**

Absolute majority required:                      No

**Officer’s Recommendation**

Moved: Cr \_\_\_\_\_    Seconded Cr \_\_\_\_\_

That the Shire’s position regarding each of the motions is as follows:

5.1 Local Governments’ representation at the State Administrative Tribunal relating to planning matters within its district - **SUPPORT**

5.2 Land Use Policy – **SUPPORT**

5.3 Transparency – Management Order Determinations – **SUPPORT**

5.4 Regional and Remote Housing - **SUPPORT**

5.5 Proposed New WALGA Constitution – **NOT SUPPORT**

For \_\_\_\_\_ / Against \_\_\_\_\_

PUBLIC AGENDA

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

**11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION**

*Admitted by resolution of Council*

**12. MEETING CLOSED TO PUBLIC**

**13. CLOSURE OF MEETING**

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

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**CERTIFICATION**

These minutes were confirmed at the Ordinary Council Meeting held on \_\_\_\_\_  
2023.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Presiding member at the meeting which confirmed the minutes)

**Council Minutes are unconfirmed until they have been adopted at the following  
meeting of Council.**