



## SHIRE OF ASHBURTON

# SPECIAL MEETING OF COUNCIL MINUTES

(Public Document)

Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave,  
Onslow

Via Teleconference

1. Onslow Multi-Purpose Centre, Cnr McGrath & Hooley Roads, Onslow
2. Council Chambers, Recreation Centre, Central Road, Tom Price
3. Paraburdoo Library, Ashburton Avenue, Paraburdoo
4. Pannawonica Library, Pannawonica Drive, Pannawonica

**28 July 2016**  
**7.00 pm**

Special Meeting of Council 28 July 2016

**SHIRE OF ASHBURTON**  
**SPECIAL MEETING OF COUNCIL**

Dear Councillor

Notice is hereby given that a Special Meeting of Council of the Shire of Ashburton will be held on 28 July 2016 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 7:00.pm.

The business to be transacted is shown in the Agenda.

Neil Hartley  
**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

*The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.*

Special Meeting of Council 28 July 2016

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**1. DECLARATION OF OPENING**

The meeting was declared open at 7.02 pm.

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past and present.

**2. ANNOUNCEMENT OF VISITORS**

**3. ATTENDANCE**

**3.1 PRESENT**

**Onslow Multi-purpose Centre, Cnr McGrath and Hooley Roads, Onslow**

Cr K White Shire President, Onslow Ward  
Cr G Dellar Ashburton Ward

Ms L O'Reilly Executive Manager, Community Development  
Ms L Reddell Executive Manager, Development & Regulatory Services

**Council Chambers, Recreation Centre, Central Road, Tom Price**

Cr P Foster Tom Price Ward  
Cr L Thomas Tableland Ward

Mr N Hartley Chief Executive Officer  
Mr F Ludovico Executive Manager, Corporate Services  
Ms A Serer Executive Manager, Strategic & Economic Development  
Mr K Parks Manager, Organisational Development  
Mr F Ng Finance Manager

**Paraburdoo Library, Ashburton Avenue, Paraburdoo**

Cr L Rumble Deputy Shire President, Paraburdoo Ward

Ms S Gardner Library Officer

**Pannawonica Library, Pannawonica Drive, Pannawonica**

Cr M Gallanagh Pannawonica Ward

Ms A West Library Officer

**3.2 APOLOGIES**

Cr C Fernandez Tom Price Ward  
Cr D Dias Paraburdoo Ward

**3.3 APPROVED LEAVE OF ABSENCE**

**4. PUBLIC QUESTION TIME**

There were no public questions tabled.

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

**6. DECLARATION BY MEMBERS**

**6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

All Councillors indicated they had considered the matters in the Agenda

**6.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting  
or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

**NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

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3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

## 7. BUSINESS

### 7.1 ADOPTION OF DRAFT ANNUAL BUDGET 2016/17

MINUTE: 28

<b>FILE REFERENCE:</b>	FM14.16.17
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager, Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	25 July 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 18.1 (Minute No. 13) – Ordinary Meeting of Council 19 July 2016 Agenda Item 13.3 (Minute No. 12106) – Ordinary Meeting of Council 21 June 2016 Agenda Item 13.5 (Minute No. 12096) – Ordinary Meeting of Council 24 May 2016

#### **Summary**

The draft Annual Budget for the year ended 30 June 2017 has been workshopped in conjunction with Ordinary Council meetings held in May, June and July 2016.

The statutory form of the budget has now been finalised, taking into account Council's input at these workshops. The document is now submitted to Council for formal adoption.

The draft 2016/17 Annual Budget is attached.

#### **Background**

The draft 2016/17 Annual Budget has been compiled based on the principles contained in the Strategic Plan and the Long Term Financial Plan. The 2016/17 draft Annual Budget has been prepared taking into account the issues workshopped by Council at its May, June and July 2015 Briefing Sessions.

The proposed differential rates were approved by the Council on 24 June 2016 and advertised for public comment. Submissions were received and were considered at Council's Ordinary Meeting held on 20 June 2016. It should be noted the advertised rates in the dollar were altered at that meeting due to the large increases in Unimproved Valuations.

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A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval. Staff have been working with the Department of Local Government and Communities to obtain the Minister's approval.

Advice received during those negotiations necessitated Council further reviewing the differential rates in the dollar. This review occurred at the Ordinary Meeting of Council held on 19 July 2016. A new request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval.

This approval is anticipated to be received before the Special meeting.

### Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

The Capital Works program totalling \$48.9 million has been provided for with investment in for example:

- Paraburdoo Community Recreation Hub<sup>1</sup> \$14.4m
- Completion Onslow Administration Complex \$1.85m
- Completion Onslow Swimming Pool \$6.57m<sup>1</sup>
- Onslow Skate Park \$1.25m
- Completion of Closure on Onslow Refuse Site \$0.94m
- Upgrade Ian Blair Memorial Walk Onslow \$0.73m
- Upgrade to Visitor Information Bay Signage (whole Shire) \$1.5m
- Pontoon Repairs Onslow<sup>2</sup> \$0.50m
- Refurbish Onslow Bowling Rink and Shade Structures<sup>2</sup> \$0.50m
  
- Roadworks
  - Roebourne Wittenoom Road \$2.28m
  - Unsealed Road Resheeting \$1.49m
  - Upgrade Stadium Rd Tom Price \$0.75m
  
- Drainage
  - Onslow Renewals \$200k
  - Tom Price Renewals \$153k
  - Onslow Shanks Rd \$500k
  - Paraburdoo Renewals \$317k
  
- Staff Housing (including refurbishment) \$3.20m
- Aged Housing \$0.10m

<sup>1</sup>staged project (over multiple financial years)

<sup>2</sup> Subject to funding

Funding from partners such as Australia Federal Government, Government of WA, Chevron Australia, Pilbara Development Commission, Rio Tinto Iron Ore, and Lotterywest (and others) support these projects in the order of some \$27.2m.

Two loans have been included in the Draft Budget. The first, valued at \$1m is to enable participation in the Pilbara Underground Power Project (PUPP) in Onslow. The anticipated



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cost to install underground power in Onslow will be \$2.3m. It is anticipated a contribution of \$900k can be sourced from the Onslow Community Development Fund. The Shire will be required to fund connections (say \$2-300k) to its properties, leaving about \$1m to be raised from the Community. The proposed loan enables us to install the project at its current cost and provide the benefit to the community. Once a community contribution formula is developed the loan will become self-supporting. The second, of \$850k is to enable the completion of the Onslow Administration Building project (carry over funding from 2015/16).

Other salient features of the Budget are detailed below:

- Donations to Community Group have increased to \$250k (from \$160k).
- New Pool in Onslow requires \$344k from Municipal funds for nett operational costs (Expenditure \$374k, Income \$30k) for the half year.
- Grants Commission. General Purpose Grant \$3.3m. Untied Road Grant \$1.1m (about \$100k lower than last year).
- Area Promotion \$1.6m allocated. \$1.5m to leverage funding from RTIO and PDC to upgrade Tourism signage through-out the district.
- Strategic Community Plan \$100k allocated to undertake review (legislative requirement).
- Onslow Ocean View Caravan Park forecasting a small profit of approximately \$188k in 2016/17.
- Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and Local Planning Strategy \$250k.
- Onslow Airport Camp. Council has decided to close this facility. The draft budget provides sufficient funds for the operation costs during notice period and its demobilisation.
- Tom Price Industrial Land Development. Funds have been allowed to continue planning for this project.
- Onslow Mixed Business Development. Allowance has been made to progress this sale. No provision has been made for any revenue from this project during 2016/17, allowing that decision to rest with Council upon the eventual sale.
- Roadworks increasing to \$7.16m (an increase of 11.7% on last year's Budget)

As part of the 2015/16 Differential Rate deliberations it was noted that the general revaluation of GRV properties in 2014 had created a wide variation in valuation between towns (with Onslow valuations generally increasing, and eastern sector town valuations generally reducing). The effect being an arguably disproportionate rise in rating levels in the western sector.

To counteract this effect a concession was applied to GRV Residential/Community properties (across the whole Shire) to in effect rate them on their 2014/15 valuations. In analysing the concessions for GRV Residential/Community the effects of the General Revaluations that

## Special Meeting of Council 28 July 2016

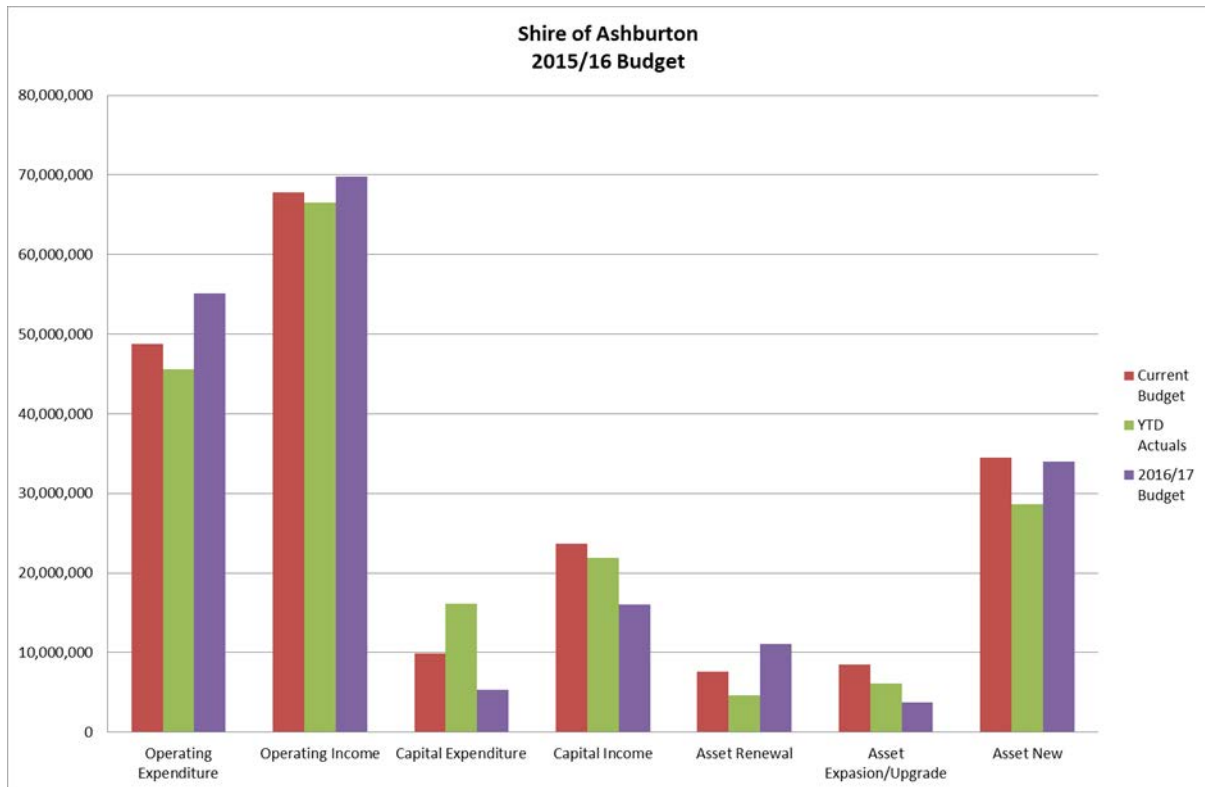
became applicable on 1 July 2015 were still evident, so a concession is once again being offered to these properties.

In accordance with Section 5.2 of the Local Government Act 1995 the Organisational Structure of the Shire is amended to reflect the positions funded in the 2016/17 Annual Budget.

The Draft 2016/17 Budget is shown as Attachment 7.1.

### ATTACHMENT 7.1

A Graphical representation of the Draft Budget is detailed below.



### Consultation

Council and Councillors  
Executive Management Group  
Officers from relevant functional areas

### Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

The *Local Government Act 1995* [Section 5.63 (1)(b)] specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

## Special Meeting of Council 28 July 2016

The Section reads as follows:

*“5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –  
(b) an interest arising from the imposition of any rate, charge or fee by the local government;”*

Additionally, the declaration provisions of the Act to not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2016/17 Annual Budget as presented is considered to meet statutory requirements.

There is no legislative requirement to re-advertise differential rates, even if they are changed from the advertised figures.

### **Financial Implications**

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2017 after carrying out normal operational requirements and an extensive capital program.

For one assessment (A51050 - Chevron Australia) there was a significant increase in valuation (over \$12.7m) which will have a significant impact on that ratepayer. The Department of Local Government and Communities considered that to secure an outcome that would best suit Ashburton's current and long term financial requirements, and sit within the Minister's Differential Rates approval acceptance levels, that the significant increase in valuation for assessment A51050 should be "phased-in" over a three year period (by offering a concession of two thirds concession in 2016/17, one third concession in 2017/18, and nil in 2018/19).

The proposed concession would provide a "guaranteed" yield increase for that assessment subject only to any valuation appeal successfully reducing the valuation by more than 66.66% - and which we all hope is unlikely. This would provide suitable surety to Council's income for 2016/17 and will also provide further potential increases in the next two financial years.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". As a high risk matter, the Executive Manager of Corporate Services will monitor progress.

### **Policy Implications**

ELM10 Financial Sustainability Policy

### **Voting Requirement**

Absolute Majority Required

**The CEO indicated the Ministers for Local Government's approval for the differential rates had been received.**

## Special Meeting of Council 28 July 2016

### Recommendation

That Council:

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in ATTACHMENT 13.2C (under separate cover) of this agenda and the minutes, for the Shire of Ashburton for the 2016/17 financial year which includes the following:
  - Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for the year of \$14,667,522
  - Statement of Comprehensive Income by Program on page 3-4 showing a net result for the year of \$14,667,522
  - Statement of Cash Flows on page 5 showing a net result for the year of \$24,710,941
  - Rate Setting Statement on page 6 showing a net result for the year of \$25,864,834
  - Notes to and Forming Part of the Budget on pages 7 to 35
  - Budget Functional Schedules on pages 37 to 93
  - Reserve Fund Budget on Pages 94 to 96
  - Capital Expenditure Program on pages 97 to 102
2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Differential Rate Category	Rate in the \$	General Minimum Payment	Lesser Minimum Payment \$
GRV Commercial/Industrial	0.051060	925.00	
GRV Residential/Community	0.050961	740.00	555.00
UV Mining/Industrial	0.382467	925.00	
UV Tourism	0.162445	925.00	
UV Pastoral	0.060154	925.00	
UV Residential	0.050961	925.00	

- 2.1 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

## Special Meeting of Council 28 July 2016

### **Option 1**

Due Date Tuesday 20 September 2016

### **Option 2**

1st Instalment Due Tuesday 20 September 2016

2nd Instalment Due Friday 20 January 2017

### **Option 3**

1st Instalment Due Tuesday 20 September 2016

2nd Instalment Due Monday 21 November 2016

3rd Instalment Due Friday 20 January 2017

4th Instalment Due Tuesday 21 March 2017

- 2.2 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$14 for each instalment after the initial instalment is paid.
- 2.3 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
- 2.4 Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

### 3. Concessions

- 3.1 Offer a concession to GRV Residential/Community properties whose valuations have increased from 2014/15 to 2016/17. The concession to be equivalent to the difference payable between 2014/15 valuations and the proposed 2015/16 GRV Residential/Community properties rate in the dollar (i.e. 0.050961), and 2015/16 valuations and the proposed 2016/17 rate in the dollar. The dollar value of the concession is estimated to be \$272,147.

Provides a concession to Assessment A51050 of \$3,253,519 for 2016/17. That is, the equivalent to setting the valuation for the 2016/17 budget at \$7,953,333 (i.e. a one third phased in increase on the 2015/16 valuation, with a change to the rates yield to only result if the valuation increase is reduced upon appeal by more than 66.66%."

4. Pursuant to section 6.13 of the Local Government Act 1995 and regulation 19A of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after becoming due and payable.

## Special Meeting of Council 28 July 2016

### 5. Councillor Allowances

5.1 Pursuant to section 5.99 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

- President \$30,841 pa
- Councillors \$23,000 pa

5.2 Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected members:

- Information & Communications Technology (ICT) Allowance \$500 pa

5.3 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:

- Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.

5.4 Pursuant to section 5.99A of the Local Government Act 1995 regulation 31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

- Travelling Expenses rate applicable to the reimbursement of travel and accommodations costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of the current determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members.

5.5 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- President \$62,727 pa

5.6 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- Deputy President \$15,682 pa

6. Pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges previously presented to June 2015 Ordinary Council Meeting with the changes as per ATTACHMENT 13.2D, made under Section 6.16 (3) of the Local Government Act 1995 for inclusion in the 2016/17 Annual Budget.

Special Meeting of Council 28 July 2016

7. In Accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

<b>Condition</b>	<b>Action</b>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

8. Prioritise the projects listed below ahead of other projects should any funds become available through the 2016/17 Financial year or as part of the Annual Budget review:

<b>Project</b>	<b>Budget</b>
Installation of Electronic Scoreboard at the Tom Price Netball/Basketball Courts	\$31,000
Construction of Cricket pitch on Judy Woodvine Oval - Paraburdoo	\$22,000
Renewal of fence Paraburdoo Tennis Courts	\$99,000
Signage Onslow Roads	\$50,000

**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr P Foster**

That Council:

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6. Pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges previously presented to June 2015 Ordinary Council Meeting with the changes as per ATTACHMENT 13.2D, made under Section 6.16 (3) of the Local Government Act 1995 for inclusion in the 2016/17 Annual Budget.

7. In Accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

<b>Condition</b>	<b>Action</b>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

8. Prioritise the projects listed below ahead of other projects should any funds become available through the 2016/17 Financial year or as part of the Annual Budget review:

<b>Project</b>	<b>Budget</b>
Installation of Electronic Scoreboard at the Tom Price Netball/Basketball Courts	\$31,000
Construction of Cricket pitch on Judy Woodvine Oval - Paraburdoo	\$22,000
Renewal of fence Paraburdoo Tennis Courts	\$99,000
Signage Onslow Roads	\$50,000
Paraburdoo Netball Courts	\$500,000

9. That tenders for the recently called Onslow Transfer Station Sealed Intersection/Entrance Road and Onslow Refuse Site Rehabilitation Works be referred to Council for determination.

**CARRIED BY ABSOLUTE MAJORITY 5/1**  
**CRS WHITE, DELLAR, FOSTER, RUMBLE AND GALLANAGH VOTED FOR THE MOTION**  
**CR THOMAS VOTED AGAINST THE MOTION**

**REASON FOR CHANGE OF RECOMMENDATION:**

In regard to recommendation (2) to correct a typographical error in the Minimum rate for UV Residential.

In regard to recommendation (8) to ensure the highest priority capital works projects are priorities for the 2016/17 Budget's Annual Review.

In regard to Recommendation (9) to ensure Council understands the scope of the projects and to ensure the works and the cost continue to be fully justified.

**8. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 16 August 2016, at the Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow, commencing at 1.00 pm.

**9. CLOSURE OF MEETING**

The meeting was closed at 7.55 pm.