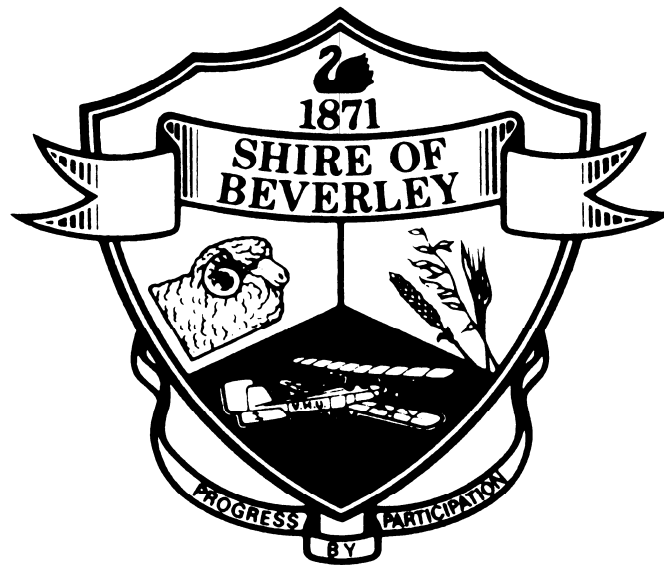


ORDINARY COUNCIL

MEETING

MINUTES



21 DECMEBER 2010

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21 DECEMBER 2010

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 21 DECEMBER 2010**

1. COMMENCEMENT

The President declared the meeting open at 10:05am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

Cr DJ Ridgway	President	South Ward
Cr LC Shaw	Deputy President	West Ward
Cr C Egberts		South Ward
Cr BM Foster		West Ward
Cr CJ Pepper		West Ward
Cr JD Alexander		North Ward
Cr P Gogol		North Ward
Cr KM Murray		North Ward
Mr KL Byers	Chief Executive Officer	
Mr SP Gollan	Deputy Chief Executive Officer	
Mrs SC Collins	Senior Administration Officer	

Apologies

Cr MG Roberts South Ward

Leave of Absence

Nil.

3. PUBLIC QUESTION TIME

Nil.

At 10:07am Mr Kim Clifton and Mr Peter Wright, Shire Planner, entered the Council Chambers and joined the meeting.

Mr Clifton addressed the meeting regarding Item 8.1.1.1 and asked Council and the Shire Planner, if they were aware that the development would not proceed until new lots were created through the current application for subdivision. It was intended the new owners of the new lots would commence and proceed with the development.

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(Continued)**

**6.3 Minutes of the Development Services Committee Meeting held in
the Council Chambers on Monday 13 December 2010**

Appendix 2

COUNCIL RESOLUTION

**M3/1210 Moved Cr Pepper Seconded Cr Foster
That the Minutes of the Development Services Committee Meeting
held in the Council Chambers on Monday 13 December 2010, as
printed, be received.**

CARRIED 8-0

BUSINESS ARISING

6.3.1 Beverley Caravan Park – Ablution Block

COUNCIL RESOLUTION

**M4/1210 Moved Cr Egberts Seconded Cr Pepper
That Council call tenders for the design, construction and
installation of an ablution block at the Beverley Caravan Park.**

CARRIED 8-0

6.3.2 Sealing of Depot

COUNCIL RESOLUTION

**M5/1210 Moved Cr Pepper Seconded Cr Gogol
That Council seal the Works Depot for a figure of \$57,158.00, as
listed in the 2010/11 budget.**

CARRIED 8-0

6.3.3 Rural Business Development Corporation Community Grant

COUNCIL RESOLUTION

**M6/1210 Moved Cr Egberts Seconded Cr Foster
That Council place an advertisement in the Beverley Blarney
inviting application from organisations to conduct community
events.**

CARRIED 8-0

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(Continued)**

**6.4 Minutes of the Audit and Administration Committee Meeting held
in the Council Chambers on Tuesday 21 December 2010**

Appendix 3

COUNCIL RESOLUTION

**M7/1210 Moved Cr Shaw Seconded Cr Foster
That the Minutes of the Audit and Administration Committee
Meeting held in the Council Chambers on Tuesday 21 December
2010, as printed, be received.**

CARRIED 8-0

BUSINESS ARISING

6.4.1 Annual General Electors' Meeting

COUNCIL RESOLUTION

**M8/1210 Moved Cr Foster Seconded Cr Egberts
That Council : -**

- Receive the Independent Audit Report for the 2009/2010 financial year, prepared by Gregory Froomes Wyllie;**
- Accept the Shire of Beverley's Annual Report for 2009/2010;**
- Gives local public notice of the availability of the 2009/2010 Annual Report;**
- Hold the Annual General Meeting of Electors' at the Town Hall on Tuesday 8 February 2011, commencing at 7:00pm; and**
- Gives at least 14 days notice of this meeting, in The West Australian newspaper.**

CARRIED 8-0

6.4.2 Long Service Leave and Annual Leave Reserve Accounts

COUNCIL RESOLUTION

**M9/1210 Moved Cr Foster Seconded Cr Pepper
That Council sets aside funds to provide a Cashed Back Reserve
Fund for accrued Long Service Leave and Annual Leave.**

CARRIED 8-0

7. **PRESIDENT AND COUNCILLOR REPORTS**
ITEM 7.1
PRESIDENT'S REPORT
(Continued)

Avondale

The Grant Agreement between the Wheatbelt Development Commission and Avondale Farm Project Association has finally been signed off.

The Steering Committee has been endorsed as follows: -

Avondale Farm Project Association:

Bruce Mann and Kelly Piper

Beverley Shire:

Dee Ridgway and Lew Shaw

Aboriginal Community:

Cliff Collard and Mitch Henry

Ex Officio:

Dina Barrett-Lennard (Project Officer, Avondale Farm), Peter Jenkin (Farm Manager, Avondale Farm), Phil Palmer (Avondale Master Plan Project Manager, National Trust), Greg Beavis and Grant Arthurs (both Wheatbelt Development Commission).

Observer Status:

National Trust Chief Executive Officer or Acting Chief Executive Officer and the Chair of the National Trust.

Work on the Flora & Fauna Management Plan has been initiated following the successful tender being awarded to Coffey Environments. Melanie Price from Coffey Environments visited Avondale in the week commencing 13 December 2010 and met with the Steering Committee on Tuesday 14 December 2010 at Avondale.

The Consultant undertaking the Farm Management Plan will be making an interim presentation to the Steering Committee on Monday 20 December 2010.

Mia Davies MLC

The Chief Executive Officer and I had an informal meeting with Mia Davies MLC during a recent visit she made to the Beverley District High School.

**7. PRESIDENT AND COUNCILLOR REPORTS
ITEM 7.1
PRESIDENT'S REPORT
(Continued)**

Railway Carriage Restoration and Interpretation

During the visit of Railway Historian and Heritage Consultant Philippa Rogers and John Wearmouth (Railway Fitter), held on Friday 10 December 2010 to commence exterior restoration planning for the ZJA Brakevan, the potential was highlighted for interpretation of the carriage interior whilst also creating the proposed community use facility and display of Railway memorabilia.

Local Emergency Management Committee

A meeting was held at the Council Chambers on Monday 13 December 2010 to reactivate this Committee. Representatives from the Shire, Police, FESA, Bush Fire Brigade, Ambulance and Hospital were present.

THANK YOU

Best wishes to Councillors and Staff over the Christmas and New Year break and thank you for your commitment and effort toward our Shire and Community.

Official Opening of Platform Theatre

COUNCIL RESOLUTION

M11/1210	Moved Cr Pepper That Council contributes \$2,000.00 to the Beverley Art Gallery Society towards the Official Opening of the "Beverley Station Gallery and Platform Theatre".	Seconded Cr Foster
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CARRIED 8-0

COUNCIL RESOLUTION

M12/1210	Moved Cr Foster That the President's Report, be received.	Seconded Cr Shaw
-----------------	--	-------------------------

CARRIED 8-0

**7. PRESIDENT AND COUNCILLOR REPORTS
(Continued)**

7.2 COUNCILLOR REPORTS

Cr Gogol

Vampire Jets

We are all well aware that the Vampire Jets fixed displays in town are deteriorating to a dangerous level. Trying to find someone who has some knowledge and expertise on the matter is very hard. Recently a visitor to the town with the Vintage Motor Cycle Club, who happened to be an ex workmate, related how he puts in some spare time at the Bullcreek Aeronautical Museum. I asked him to enquire amongst the members if anyone had any knowledge about the Vampires. He recently called back with no help in that area, except to say that No. 25 Squadron at the RAAF Base at Pearce did some recent work on the nose of one.

In order to get on to do something about these jets I humbly suggest the following: -

- (1) We contact No. 25 Squadron at the RAAF Base at Pearce.*
- (2) Approach the Gliding Club to see if anyone there has any knowledge and ask their assistance.*
- (3) Publish an appeal in the Beverley Blarney and the Avon Valley Advocate newspaper.*

If the Council is in agreement I am prepared to write to these organisations on our behalf.

RESOLVED that Council support Cr Gogol's proposal that No. 25 Squadron at the RAAF Base at Pearce be contacted in regard to restoration of the Vampire Jets and that the Beverley Soaring Society club be approached seeking their assistance.

It was agreed that Cr Gogol contact both the No. 25 Squadron and Beverley Soaring Society to make enquiries in regards to the restoration of the Vampire Jets.

COUNCIL RESOLUTION

**M13/1210 Moved Cr Foster
That the Councillor Report, be received.**

Seconded Cr Alexander

CARRIED 8-0

At 11:29am Mr Peter Wright, Shire Planner, entered the Council Chambers and joined the meeting.

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.1.1.1
REPORT DATE:	1 December 2010
SUBJECT:	RECONSIDERATION OF CONDITION OF APPROVAL – TREE PLANTATION – 160 (LOTS 12, 22, 24, & 19022) JONES ROAD, & LOT 50 WESTDALE ROAD, WESTDALE
APPLICANTS:	Parkfield Farms
FILE REFERENCE:	JON 1452 & WES 1060
AUTHOR:	Shire Planner – Peter Wright

Appendix 4

BACKGROUND

At its 23 November 2010 meeting, Council approved a Development Application for a Tree Plantation at 160 (Lots 12, 22, 24, & 19022) Jones Road, & Lot 50 Westdale Road, Westdale. Of relevance Condition 1 stated: -

“If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.”

The applicant has requested the condition be varied to require substantial commencement within 3 years.

COMMENT

The applicant has provided four supporting reasons for the request to extend the period allowed for substantial commencement. These are detailed below with staff response.

- 1) Planting of the Sandalwood or Brushwood crops will not occur unless subdivisional approval is granted. Subdivision approval may take some time to be secured and will 'eat into' the two year period for substantial commencement of Planning Approval.

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.1

RECONSIDERATION OF CONDITION OF APPROVAL

- TREE PLANTATION

- LOTS 12, 22, 24, & 19022) JONES ROAD, & LOT 50 WESTDALE ROAD, WESTDALE

(Continued)

The application to establish a Sandalwood Plantation is granted by the Shire and is independent of the subdivision application, which is determined by the Western Australian Planning Commission. The Plantation is capable of proceeding regardless of the outcome of the subdivision and therefore conditions of approval must reflect Shire planning priorities.

- 2) Planting is proposed to occur on a staged basis in concurrence with the implementation of the subdivision approval. It is likely that if subdivision approval is granted late 2010 that the necessary documentation, tendering process, issue of contracts, on site works (road works and electricity supply for example) and clearance of conditions etc. would take approximately six months to complete from commencement. It would be expected that this process could be completed by October – November 2011. This would not allow planting of Sandalwood or Brushwood until 2012 given completion of the works will be outside the ‘planting period’ within the wetter months of 2011. Marketing of the first stage of the Lots is proposed winter 2012 which would on leave approximately 6 months for substantial commencement of the proposal.

Similar to Reason 1 the Plantation can be commenced at an earlier stage with or without the subdivision proceeding. It is open to Council to regard the economic imperative contained in this reason to be sufficient justification for amending the condition. It should be noted that commencing the planting in the winter months of 2012 would meet the condition.

- 3) Implementation costs of Stage 1 of the proposal are approximately \$1.5 million. This is a significant implementation cost given that the approval would expiry shortly after the marketing of Stage 1 of the project.

Staff response to this reason is the same as Reason 2.

- 4) Granting of a three year period for substantial commencement in lieu of two years is considered to be a minor modification to the approval and allows for the flexible implementation of the proposal.

8.1.1 TOWN PLANNING ITEMS

ITEM 8.1.1.1

RECONSIDERATION OF CONDITION OF APPROVAL

- TREE PLANTATION

- LOTS 12, 22, 24, & 19022) JONES ROAD, & LOT 50 WESTDALE ROAD, WESTDALE

(Continued)

There is some merit in this reason. Extending the time period for commencement would be a minor modification and allow greater flexibility. Approving the applicant's request will produce no negative external impacts and will not affect planning for the area.

Council should consider, however, that amending the condition will mean that the approval will remain valid for three years before the development has to commence, or further approval sought. It is the opinion of staff that two years should be sufficient time to commence development regardless of the outcome of the subdivision.

STATUTORY ENVIRONMENT

Council may limit the time a Planning Approval remains valid under Clause 6.3.3 of the Shire of Beverley's Town Planning Scheme No. 2. There is no specified time limit for substantial commencement of a development under the scheme.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M14/1210 Moved Cr Murray **Seconded Cr Gogol**
That Council resolve to confirm Condition 1 and instruct the Shire Planner to inform the applicant that the development must be substantially commenced within two years.

LOST 3-5

COUNCIL RESOLUTION

M15/1210 Moved Cr Pepper **Seconded Cr Egberts**
That the Shire Planner inform the applicant that Council has granted the requested extension from a period of 2 years, as contained in Condition 1 of Motion M11/1110 of the meeting of Council held on 23 November 2010, to a period of 3 years, being: -

8.1.1 TOWN PLANNING ITEMS

ITEM 8.1.1.1

RECONSIDERATION OF CONDITION OF APPROVAL

- TREE PLANTATION
- LOTS 12, 22, 24, & 19022) JONES ROAD, & LOT 50 WESTDALE ROAD, WESTDALE

(Continued)

Condition: -

1. If the development, the subject of this approval, is not **SUBSTANTIALLY COMMENCED** within a period of 3 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

CARRIED 5-3

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.1.1.2
REPORT DATE:	7 December 2010
SUBJECT:	DEVELOPMENT APPLICATION – OUTBUILDING – LOT 102 HUTCHINSON STREET, BEVERLEY
APPLICANTS:	R & D Morrell
FILE REFERENCE:	HUT 51134
AUTHOR:	Shire Planner – Peter Wright

Appendix 5

BACKGROUND

An application has been received to construct an outbuilding at Lot 102 Hutchinson Street, Beverley.

The subject site is zoned Residential R10, approximately 1.8ha in area, cleared and vacant. Access is via Hutchinson Street.

The application is being referred to Council due to a required variation to Council's Outbuilding Policy.

COMMENT

Under Council's Outbuilding Policy, outbuildings should not be constructed prior to the substantial commencement of a dwelling. The applicant states that it is intended a dwelling be constructed on the lot by Christmas 2011. As such the intention of the policy would be met. Additionally, having the outbuilding constructed prior to building the dwelling will provide a secure location for the storage of equipment and materials. To ensure the dwelling is constructed, should Council approve the application, it will be recommended the dwelling be substantially commenced within one year of the outbuilding approval, as a condition of approval.

The proposed outbuilding is substantially larger than allowed under the Outbuilding Policy. In an Residential R10 zone outbuildings are to be a maximum 4 metres high and have a maximum floor area of 75m². The proposed outbuilding is 4.46 metres high and has a floor area of 135m². The applicant states that the outbuilding will be used to store domestic items (caravan and vintage cars) and for hobby activity. As such it is considered the proposal is consistent with the domestic enjoyment of the property.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.2
DEVELOPMENT APPLICATION
- OUTBUILDING
- LOT 102 HUTCHINSON STREET, BEVERLEY
(Continued)

Given that the lot is substantially larger than the 1,000m² average required for an R10 zone and there is a considerable setback from the boundary, the proposed outbuilding is unlikely to have any significant negative external impact. There is limited residential development in the area and the occupants of the closest dwelling have stated they have no objection to the proposal. Should Council approve the application, it will be recommended the exterior cladding be of Colorbond or similar approved material as a condition of approval.

Conclusion

The application to an outbuilding at Lot 102 Hutchinson Street, Beverley is supported due to: -

- The size of the outbuilding is equitable with the size of the lot;
- Recommended conditions of approval will ensure a dwelling is constructed; and
- Recommended conditions of approval are anticipated to mitigate any negative external impact.

Therefore it will be recommended the application be approved.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2. A variation to Council's Outbuilding Policy as discussed above will be required.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M16/1210 Moved Cr Pepper **Seconded Cr Gogol**
That Council grant Planning Approval for the construction of an outbuilding at Lot 102 Hutchinson Street, Beverley, subject to the following conditions and advice notes: -

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.2
DEVELOPMENT APPLICATION
- OUTBUILDING
- LOT 102 HUTCHINSON STREET, BEVERLEY
(Continued)

Conditions: -

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. The outbuilding shall not be used for human habitation, commercial or industrial purposes.**
- 4. Cladding for the proposed development is to be Colorbond or similar approved material, in a colour which is in harmony with the existing built form in the area. Zincalume shall not be used for cladding.**
- 5. If a dwelling has not been substantially commenced on the lot within 12 months of this approval, the outbuilding shall be removed and the land rehabilitated to the satisfaction of the Local Government.**

Advice Notes: -

- 1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- 2. The applicant is advised a building licence is required prior to commencement of any building works.**

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.1.1.3
REPORT DATE:	26 November 2010
SUBJECT:	SUBDIVISION APPLICATION – LOT 88 DOBADERRY ROAD, TALBOT WEST
APPLICANTS:	A J Marsh
FILE REFERENCE:	PL143194
AUTHOR:	Shire Planner – Peter Wright

Appendix 6

BACKGROUND

An application has been received for a two lot subdivision at Lot 88 Dobaderry Road, Talbot West.

The subject site is zoned Farming, approximately 81.5ha in area, mostly cleared with some remnant vegetation and has an existing single dwelling with ancillary development. Access is via Dobaderry Road.

Of relevance, adjoining Lot 89 was granted subdivision approval by the Western Australian Planning Commission (WAPC) on 31 December 2009. Council recommended refusal of the application.

COMMENT

In the Farming zone the Shire of Beverley's Town Planning Scheme No.2 (TPS 2) recommends a minimum lot size of 40 hectares provided the proposal is consistent use of the land for productive agricultural purposes. The applicant has submitted a report from Bioscience demonstrating the land can be used for agriculture regardless of the size of the lot.

It may be argued the submitted report demonstrates subdivision to one hectare or smaller will still allow the land to be used for productive agriculture. It could also be argued the only outcome of the subdivision on land use is to increase the number of dwellings allowed on the land. The end result of these arguments is to form the opinion that the purpose of the subdivision is for rural residential development.

TPS 2 does not support rural residential development in the Farming zone.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
SUBDIVISION APPLICATION
- LOT 88 DOBADERRY ROAD, TALBOT WEST
(Continued)

2. **Prior to commencement of site works, a detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.**
3. **A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -**
"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."
4. **The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s).**
5. **A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows: -**
"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
SUBDIVISION APPLICATION
- LOT 88 DOBADERRY ROAD, TALBOT WEST
(Continued)

6. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lot(s) advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water for residential development in compliance with the Shire of Beverley's Town Planning Scheme.
 7. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
 8. Measures being taken to ensure the identification, mapping and protection, of any vegetation on the site worthy of retention prior to commencement of site works.
- b) That Council resolve to instruct the Shire Planner to advise the Western Australian Planning Commission that application WAPC No. 143194 for the subdivision of Lot 88 Dobaderry Road, Talbot West, was recommended for approval due to the precedent set by the Commission. The precedent occurred when the Commission approved the subdivision of Lot 89 Dobaderry Road, Talbot West, against the recommendation of Council.

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.1.1.4
REPORT DATE:	15 December 2010
SUBJECT:	DEVELOPMENT APPLICATION – OUTBUILDING AND WATER TANKS – 53 (LOT 15) BUTCHERS ROAD, WESTDALE
APPLICANTS:	G Hobbs
FILE REFERENCE:	BUT 51400
AUTHOR:	Shire Planner – Peter Wright

Appendix 7

BACKGROUND

An application has been received to construct an outbuilding and install water tanks at 53 (Lot 15) Butchers Road, Westdale.

The subject site is zoned Farming, approximately 11ha in area, mostly cleared with some remnant vegetation and has an existing dwelling with ancillary outbuildings. Access is via Butchers Road.

The application is being referred to Council due to a variation to Council's Outbuilding Policy being required.

COMMENT

Under Council's Outbuilding Policy, the maximum floor area for an outbuilding in the Farming zone is 400m² and if the outbuilding is within 75 metres of a road boundary, external cladding should be Colorbond or similar. The application is for an outbuilding with a floor area of 936m². External cladding for the outbuilding is proposed to be zincalume, with a setback from Billabong Road of 61 metres.

The proposed outbuilding and water tanks are to be used as a component of an existing farming operation. As such the development is ancillary to an approved land use.

The main planning concern relates to the potential external impact on visual amenity due to the size of the outbuilding and the external cladding being zincalume. It should be noted outbuildings in the vicinity of the proposed development are also clad in zincalume.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
SUBDIVISION APPLICATION
- OUTBUILDING AND WATER TANKS
- 53 (LOT 15) BUTCHERS ROAD, WESTDALE
(Continued)

The applicant asserts that Billabong Road is a no through road that has little or no traffic. No dwellings use the road for access and it is extremely unlikely passing members of the public or tourists would use the road. In addition, the applicant has planted a substantial amount of vegetation (trees) that act as a screen to both Billabong Road and Butchers Road. Therefore it is considered any impact on visual amenity will be minimal.

Conclusion

The application to construct an outbuilding and locate water tanks at 53 (Lot 15) Butchers Road, Westdale is supported due to: -

- The application is ancillary to the approved land use; and
- There is likely to be little or no external impact.

Therefore it will be recommended the application be approved.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M18/1210 Moved Cr Pepper **Seconded Cr Murray**
That Council grant Planning Approval for the construction of an outbuilding and installation of water tanks at 53 (Lot 15) Butchers Road, Westdale, subject to the following conditions and advice notes: -

Conditions: -

1. **If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
SUBDIVISION APPLICATION
- OUTBUILDING AND WATER TANKS
- 53 (LOT 15) BUTCHERS ROAD, WESTDALE
(Continued)

2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.
3. The outbuilding shall not be used for: -
 - Commercial purposes, unless as a component of a rural pursuit;
 - Human habitation; and
 - Industrial purposes.
4. The outbuilding shall have a minimum 4 metre firebreak on all sides.
5. The applicant shall only remove those trees and/or clear native vegetation as required for the construction of the building and any associated access (see Advice Note 3).

Advice Notes: -

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
2. The applicant is advised a building licence is required prior to commencement of any building works.
3. With regard to Condition 5, the applicant is advised approval may be required from the Department of Environment and Conservation prior to the removal of trees and/or clearing of vegetation.

CARRIED 8-0

8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER

The Shire Planner had provided an Information Bulletin Report under separate cover.

COUNCIL RESOLUTION

M19/1210 Moved Cr Egberts **Seconded Cr Alexander**
That the Shire Planner’s Information Bulletin Report, be received.
CARRIED 8-0

At 11:52am the Shire Planner, left the meeting.

8.2.1 HEALTH & BUILDING SERVICES ITEMS

Nil.

8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES

8.2.2.1 GENERAL

General correspondence, duties and communications for Environmental Health Officer/Building issues.

8.2.2.2 HEALTH SERVICES REPORT – NOVEMBER/DECEMBER 2010

The Environmental Health Officer had provided the Health Services Monthly Report for November/December 2010 under separate cover.

8.2.2.3 BUILDING LICENSES ISSUED

Building licenses issued up to 3 December 2010: -

Lic No: 28 10/ 11	Lic No: 29 10/ 11
No: 3251 (Lot 96) Westdale Rd, Beverley	No: Lot 212 Hamersley St, Beverley
Building: Garage	Building: Patio
Value: \$11,500	Value: \$12,000
Lic No: 30 10/ 11	Lic No: 31 10/ 11
No: Lot 48 Williams St, Kokeby	No: 39 Nicholas St, Beverley
Building: Garage/Shed	Building: Patio/Enclosed Carport
Value: \$15,000	Value: \$15,000

At 2:25pm Mr Steve Vincent, Works Supervisor, entered the Council Chambers and joined the meeting.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.3.1.1
REPORT DATE:	15 December 2010
SUBJECT:	TRACTOR QUOTES
FILE REFERENCE:	PE 001
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

There are provisions in the budget to change over the Ford 1720 tractor BE 008, for a change over to Council of \$40,000.

COMMENT

The following quotes have been received:

SUPPLIERS	MACHINE / MODEL	NET PRICE	TRADE VALUE	CHANGE OVER ex GST	ENGINE HORSE POWER
McIntosh & Son	New Holland 3045	40,500	5,500	35,000	45
McIntosh & Son	New Holland 4055	38,500	5,500	33,000	55
Boekman Machinery	Case Maxfarm 60	44,000	6,000	38,000	
E & MJ Rosher	Kubota L4240	38,250	3,260	34,990	42
E & MJ Rosher	Kubota L5240	43,000	3,250	39,750	52
Boya Equipment	Kubota L 4240	39,523	3,500	36,023	42
Avon Tractor & Implements	John Deere 4320	47,414	10,914	36,500	48

All these machines are within the budgeted amount.

Once the machines have been inspected, the Plant and Works Committee members to decide which tractor meets Council's requirements, we can then place an order.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

SUBMISSION TO:	Council Meeting
AGENDA ITEM:	8.3.1.2
REPORT DATE:	15 December 2010
SUBJECT:	SEALING OF SHIRE WORKS DEPOT YARD
FILE REFERENCE:	VIN 1624A
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

There is an allowance of \$55,000 in the budget to seal the Shire works depot yard.

COMMENT

Quotes have been asked for to prepare and seal the yard with 40mm thick hot mix.

The only quote received at this stage is for \$57,158 from Roadtec Construction. This is the company that replaced the large culvert on Kokeby East Road.

OFFICER'S RECOMMENDATION

For Council's consideration.

Item 8.3.1.2 above was dealt with earlier in the meeting when receiving the Minutes of the Development Services Committee Meeting held on 13 December 2010. (Refer Item 6.3.2 on page 3 of these Minutes) Council resolved as follows: -

"M5/1210

Moved Cr Pepper

That Council seal the Works Depot for a figure of \$57,158.00, as listed in the 2010/11 budget.

Seconded Cr Gogol

CARRIED 8-0"

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

8.3.2.1.1 Vincent Street Trees

The large trees west of Hunt Road have been lopped. Our plan is to plant more suitable trees along this road verge next Spring and completely remove the existing trees after a few years.

8.3.2.1.2 Street Sweeper

Town streets have been scheduled to be swept before Christmas.

8.3.2.1.3 Tip Loader

The 916 Cat loader is ready to be used, it has had the pins and bushes changed on the articulation rams, the bucket line bored, new pins and bushes also fitted, oil leaks repaired, the lighting circuit repaired and licensed for on-road use.

8.3.2.1.4 Bridge 729 Vincent Street

This bridge has been hit by a truck causing substantial damage to the northern side rails and posts. I have requested quotes for this bridge to be repaired.

8.3.2.1.5 Shire Dam

The dam is currently at a very low level and will run dry if we do not get any Summer storms.

8.3.2.2 CONSTRUCTION

8.3.2.2.1 Westdale Road

Work has been completed on both sections of Westdale Road. This included widening to 7m and stabilising.

**8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR
ITEM 8.3.2.2
CONSTRUCTION
(Continued)**

8.3.2.2.2 Smith Street/Annual Road Inspections

On the road inspection held on the 16 August, 2010, it was suggested that the failed section of Smith Street be left as it is. A provision of \$14,362.00 has been made in the budget. Does Council still want to leave this repair?

RESOLVED that Council carry out their Annual Road Inspection on Thursday 10 February, 2011, commencing at 9.00am and that Smith Street be listed for inspection during this time.

8.3.2.2.3 Morbining Road

Two quotes have been received for a design of the two corners either side of Bridge 3192, and the widening of this bridge on Morbining Road.

The first quote is from WML Consultants for \$45,370.00, the other from CID Consultants for \$22,000.00.

I will arrange for a survey of this area to be carried out as soon as possible, and for CID Consultants to proceed with the design.

COUNCIL RESOLUTION

M22/1210 Moved Cr Shaw That the Works Supervisor's Information Bulletin Report, be received.

Seconded Cr Gogol

CARRIED 8-0

At 2:46pm the Works Supervisor, left the meeting.

8.4.1 FINANCE ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.4.1.1
REPORT DATE:	15 December 2010
SUBJECT:	SCHEDULE OF ACCOUNTS
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 8

COMMENT

The Schedule of Accounts for the month of November 2010 is the appendix to this item.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M23/1210	Moved Cr Foster	Seconded Cr Pepper
	That the Schedule of Accounts for the month of November 2010, be received.	

CARRIED 8-0

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.4.1.2
REPORT DATE:	16 December 2010
SUBJECT:	FINANCIAL STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2010
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

COMMENT

The Financial Statement for the period ended 30 November 2010 was provided under separate cover.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M24/1210	Moved Cr Foster	Seconded Cr Alexander
	That the Financial Statement for the period ended 30 November 2010, as presented, be received.	

CARRIED 8-0

8.4.1 FINANCE ITEMS

SUBMISSION TO: December Council Meeting 21 December 2010
AGENDA REFERENCE: 8.4.1.3
DATE: 14 December 2010
SUBJECT: INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE: FM 008
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Council has at present surplus funds that have been invested in line with Council's policy.

COMMENT

Listed below are surplus funds that have been invested during the month of November 2010 with the ANZ Bank.

RESERVE	INVESTMENT	TOTAL	ACCT #	TERM	RATE	EXPIRY
Building	\$ 903,736.00	\$ 903,736.00	9899-36483	5 Months	6.00%	22/12/10
Plant	\$ 295,154.00	\$ 295,154.00	9899-36301	2 Months	5.35%	22/12/10
Annual Leave	\$ 112,997.00					
Recreation Ground	\$ 265,262.00	\$ 378,259.00	9899-36459	5 Months	6.00%	22/12/10
Office Equipment	\$ 23,688.00					
Bush Fire Fighters	\$ 90,984.00					
Avon River Development	\$ 18,259.00					
Community Bus	\$ 24,144.00					
Cropping Committee	\$ 151,571.00					
Road Construction	\$ 198,109.00	\$ 506,755.00	9899-36504	5 Months	6.00%	22/12/10
	\$2,083,904.00	\$2,083,904.00				
Municipal Fund	\$ 600,000.00	\$ 600,000.00	9963-20476	2 Months	5.35%	25/12/10
Municipal Fund	\$ 500,000.00	\$ 500,000.00	9963-05321	4 Months	5.80%	22/02/10
Municipal Fund	\$ 700,000.00	\$ 700,000.00	9963-05751	6 Months	6.20%	22/04/10
	\$1,800,000.00	\$1,800,000.00				

8.4.1 FINANCE ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.4.1.4
REPORT DATE:	14 December 2010
SUBJECT:	DELEGATIONS
FILE REFERENCE:	GOV 003
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Section 5.42 of the Local Government Act gives Council the power to delegate to the Chief Executive Officer the exercise of its powers or the discharge of any of the duties except those referred to in section 5.43.

Section 5.46 of the Local Government Act requires delegations made to the Chief Executive Officer be reviewed by the delegate at least once every financial year.

COMMENT

The current delegations were reviewed/approved by Council at the November 2008 Ordinary Meeting. As delegations have been put to Council over the past few years, I put them to Council at this meeting for re-approval.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

- M26/1210** **Moved Cr Pepper** **Seconded Cr Foster**
That Council approve of the following list of delegations to the Chief Executive Officer: -
- Use of Common Seal on appropriate documents.
 - Invite tenders in accordance with budget.
 - Approve/refuse building applications. (Includes relocated/second-hand houses in accordance with Council Policy).
 - Authority to appoint and dismiss staff in accordance with the Act and appropriate Awards.
 - Review salaries of all employees.
 - Approve attendance at conferences, seminars and staff training.
 - Authorise annual leave and unpaid study leave.
 - Discretion to pay for un-accumulated sick leave and attendance at funerals, each case being judged upon its merits.
 - Imposition of Harvest Bans.
 - Alteration of Restricted and Prohibited Burning periods, after consultation with Chief Fire Control Officer.

8.4.1 FINANCE ITEMS
ITEM 8.4.1.4
DELEGATIONS
(Continued)

- Approve roadside clearing and/or burning.
- Recommend extra mass permits for vehicles in line with Council Policy.
- Approve staff use of plant.
- Approve private works.
- Approve applications for payment of rates by arrangement.
- Issuing of Council purchase orders.
- Destroy old accounting books and records in accordance with legislative requirements.
- Issue permits for the sale and consumption of liquor on Council property.
- Act and serve orders relating to hygiene, noise abatement, repair of dwellings and the declaration of buildings being deemed unfit for human habitation in accordance with the Health Act.
- Issue infringement notices relating to Bush Fire Act, Litter Act and Dog Act.
- Undertake legal action necessary to recover unpaid infringement notices, rates and debtors accounts.
- Install firebreaks on private property where the owner has failed to comply with requirements under the Bush Fire Act.
- Permit variations to firebreak order upon request from landowners.
- Sign strata titles in accordance with the Strata Titles Act.
- Issue permits for street stalls.
- Speak on behalf of and represent the views of the Council of the Shire of Beverley to the media and other third parties as appropriate.
- Represent Council in the Court of Competent Jurisdiction for breaches of the Australian Building Codes, Health Act, Local Government Act, Bush Fires Act, Litter Act and Dog Act.
- Attend to all matters, which relate to the Town Planning Function of the Shire of Beverley and to sign all correspondence, planning consents and clearances, which relate to the same.

8.4.1 FINANCE ITEMS
ITEM 8.4.1.4
DELEGATIONS
(Continued)

- **To make payments by Cheque or Electronic Fund Transfer (EFT) from the Municipal and Trust Funds subject to the following conditions: -**
 - 1. That an EFT payment relating to payroll be authorised by at least two officers, with one authorising officer, being either the Chief Executive Officer or Deputy Chief Executive Officer.**
 - 2. That EFT payments other than payroll, be authorised by two officers, with at least one being a signatory to Council cheques.**
- **To invest money held in the Municipal or Trust funds, not required by the shire for immediate use, to a term deposit.**
- **Authority and power to consider applications received for financial assistance and make recommendations to Council.**
- **Issue notices under Section 3.25 of the Local Government Act 1995 with all notices issued being referred to Council at the ensuing meeting for endorsement.**
- **Approve the write off of any balances under \$50.00, either debit or credit.**
- **To be Chairperson of the Local Emergency Management Committee**

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	December Council Meeting 21 December 2010
AGENDA ITEM:	8.5.1.1
REPORT DATE:	14 December 2010
SUBJECT:	REVIEW OF WARD BOUNDARIES AND REPRESENTATION
FILE REFERENCE:	GOV 004
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

In accordance with Section 6 of Schedule 2.2 of the Local Government Act 1995, a local government, the district of which is divided into wards, is to carry out reviews of -

- a) its ward boundaries, and
- b) the number of offices of Councillors for each ward,

from time to time so that not more than eight years has elapsed between successive reviews.

As it was 2002/2003 when the last review was undertaken, Council must now undertake the necessary process.

Prior to carrying out the review, Council must give local public notice, advertising -

- a) that a review is to be carried out, and
- b) that submissions may be made to the Council, before a day fixed by the notice, being a day that is not less than six weeks after the notice is first given.

In carrying out the review, Council is to consider submissions made to it within the required time.

When considering any of the following -

- a) creating new wards within the district,
- b) changing the boundaries of a ward,
- c) abolishing any or all of the wards, or
- d) changing the number of offices of Councillors for a ward,

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.1
REVIEW OF WARD BOUNDARIES AND REPRESENTATION
(Continued)

Council is to have regard, where applicable to -

- a) community of interest;
- b) physical and topographical features;
- c) demographic trends;
- d) economic factors; and
- e) the ratio of Councillors to electors in the various wards. (Ratios should be within a 10% tolerance of each other.)

COMMENT

Council previously requested that the Councillor/representation be waived pending the outcome of the Regional Transition Group Business Plans, however, this was denied as there is no provision within the Local Government Act.

The Minister for Local Government has previously requested Councils reduce the number of elected representatives.

The 2009 Electoral Rolls indicated that the number of electors for the current ward boundaries fall within the 10% ratio. Should Council ultimately reduce the number of Councillors, a full spill of Councillors will be required for the 2011 Elections.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M27/1210 Moved Cr Shaw **Seconded Cr Pepper**
That Council undertake a review of its ward boundaries and representation and that an advertisement be placed in the Avon Valley Advocate and the Beverley Blarney inviting public participation in the process by way of written submissions.
CARRIED 8-0

8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER

The Chief Executive Officer had provided an Information Bulletin Report under separate cover.

8.5.2.1 Avon Waste

The Chief Executive Officer advised that Avon Waste has offered to continue rubbish collection with a contract commencing 29 November, 2011 for another 12 months at the current rate, with CPI adjustments at the commencement of the financial year.

COUNCIL RESOLUTION

M28/1210 Moved Cr Pepper **Seconded Cr Shaw**
That Council continue with rubbish collection contract for 12 months from 29 November, 2011 with Avon Waste.
CARRIED 8-0

COUNCIL RESOLUTION

M29/1210 Moved Cr Murray **Seconded Cr Foster**
That the Chief Executive Officer's Information Bulletin Report, be received.
CARRIED 8-0

9. INFORMATION BULLETIN – PARTS ONE AND TWO – GENERAL SECTIONS

The December Information Bulletin was provided under separate cover.

COUNCIL RESOLUTION

M30/1210 Moved Cr Murray **Seconded Cr Gogol**
That the December Information Bulletin, be received.
CARRIED 8-0

10. TABLED CORRESPONDENCE

- MAINROADS WA
 - Annual Report in Brief 2010
- AUSTRALIAN ACADEMY OF SCIENCE
 - The Science of Climate Change – Questions and Answers
- C.Y. O'CONNOR INSTITUTE
 - The Wheatbelt Whisper

12. CLOSURE

There being no further business the meeting closed at 3:52pm.

I hereby certify these Minutes as being confirmed in accordance with Section 5.22 of the Local Government Act 1995.

Presiding Member

Date