

## MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 26 APRIL 2006

### 1. COMMENCEMENT

The President declared the meeting open at 11.00am.

### 2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

#### Attendance

Cr J. M. Schilling	President	West Ward
Cr N. J. McLean	Deputy President	South Ward
Cr M. G. Roberts		South Ward
Cr W. S. McDonald		South Ward
Cr B. M. Foster		West Ward
Cr A. D. Bailey		West Ward
Cr V. A. Szczecinski		North Ward
Cr J. D. Alexander		North Ward
Cr S Leonhardt		North Ward
Mr S. P. Gollan	Deputy Chief Executive Officer	
Miss C. Emanuel		Secretary

#### Apologies

Mr K. L. Byers Chief Executive Officer

#### Leave of Absence

Nil

### 3. PUBLIC QUESTION TIME

#### 3.1 STANDPIPES

Mr Bob Reed addressed Council regarding his concerns over the use of standpipes within the townsite. In particular to members of the community not recording the amount of water they take.

**Councillor Schilling advised that at present the Brooking Street standpipe is locked due to the tap being left on for two nights. Council will further discuss the issues of standpipes during the course of the meeting.**

### **3.2 HOSPITAL AUXILIARY – OPPORTUNITY SHOP**

Mrs Ann Szczecinski and Mrs Dawn Edwards, representing the Hospital Auxiliary, thanked Council for offering the Infant Health Centre, and asked for consideration for the use of the empty room at the Old School as a more appropriate venue for their opportunity shop.

### **3.3 USE OF OLD FIRE STATION**

Mr John Saville-Wright and Lynette Vincenti voiced concerns regarding the Old Fire Station being used as a youth centre, given the building's closeness to the main road and the graffiti occurring in the area.

### **3.1 STANDPIPES**

**M1/0406 Moved Cr Alexander Seconded Cr Bailey**  
**That Council agree to lock all standpipes within the Shire from**  
**Monday 1 May 2006.**

**CARRIED 9-0**

### **4. CONDOLENCES**

FLEAY	Mr Gordon	25 March 2006
DRAPER	Mona Dorothy	30 March 2006

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

Nil

### **6. CONFIRMATION OF MINUTES AND BUSINESS ARISING**

#### **6.1 MINUTES OF THE COUNCIL MEETING HELD ON 28 MARCH 2006**

**M2/0406 Moved Cr Roberts Seconded Cr Szczecinski**  
**That the Minutes of the Ordinary Meeting of Council held on 28**  
**March 2006, be confirmed subject to the following amendments:**

- **Motion 29/0306 that the words “subject to a satisfactory business plan being presented to Council” being added to the motion**
- **Motion 31/0306 that the words “with rental charge remaining at \$25 per week” being added to the motion.**

**CARRIED 9-0**

**6.2 MINUTES OF THE FINANCE AND AUDIT COMMITTEE MEETING  
HELD ON WEDNESDAY 6 APRIL 2006**

Appendix 1

**M3/0406 Moved Cr McLean Seconded Cr Roberts  
That the Finance and Audit Committee Meeting held on  
Wednesday 6 April 2006, be received.**  
**CARRIED 9-0**

**BUSINESS ARISING**

**6.2.1 BUDGET REVIEW**

**M4/0406 Moved Cr Roberts Seconded Cr Alexander  
That Council adopt the Budget Review as presented.**  
**CARRIED 9-0**

**6.3 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING  
HELD ON WEDNESDAY 19 APRIL 2006**

Appendix 2

**M5/0406 Moved Cr Szczecinski Seconded Cr Leonhardt  
That the Plant and Works Committee Meeting held on Wednesday  
19 April 2006, be received.**  
**CARRIED 9-0**

**BUSINESS ARISING**

**6.3.1 FORREST STREET DRAIN**

**M6/0406 Moved Cr Szczecinski Seconded Cr Roberts  
That Council meet BG&E Consulting Engineers to determine who  
is responsible for managing the storm water in their area and they  
be requested to supply an estimate on what the cost would be to  
design a plan to rectify the problem.**  
**CARRIED 9-0**

**6.4 PRESIDENT'S REPORT**

Appendix 3

**M7/0406 Moved Cr Foster Seconded Cr Alexander  
That the President's Report as presented, be received.**  
**CARRIED 9-0**

Council adjourned for Lunch at 12.33pm.

Council reconvened from Lunch at 1.35pm.

Mr Russell Reid, Acting Town Planner, entered Council Chambers at 1.35pm.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 1.35pm.

## **7. REPORTS OF COMMITTEES AND OFFICERS**

### **7.1 TOWN PLANNING**

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<b>ITEM NUMBER:</b>	<b>7.1.1</b>
<b>DATE:</b>	<b>11 April 2006</b>
<b>SUBJECT:</b>	<b>REQUEST FOR THE WESTERN AUSTRALIAN PLANNING COMMISSIONS RECONSIDERATION OF A SUBDIVISION APPLICATION FOR LOCATIONS 117, 120 AND LOT 1 MAITLAND ROAD, BEVERLEY (WAPC REF: 128771)</b>
<b>OWNER:</b>	<b>A &amp; P Boyle</b>
<b>FILE REFERENCE:</b>	<b>PL 128771</b>
<b>AUTHOR:</b>	<b>Acting Shire Planner – Russell Reid</b>

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#### **BACKGROUND**

The Shire of Beverley supported the abovementioned subdivision proposal, which was refused by the Commission on the 7 October 2005.

A request for the reconsideration of the Commissions refusal was lodged by the landowners.

#### **COMMENT**

Advice dated the 27 March 2006 has been received from the Western Australian Planning Commission that the previous decision by the Commission is re-iterated.

**It was agreed that the information be received**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.2</b>
<b>DATE:</b>	<b>11 April 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION OF LOT 2835 YORK- WILLIAMS ROAD, DALE</b>
<b>OWNER:</b>	<b>E F &amp; F M Hankinson</b>
<b>FILE REFERENCE:</b>	<b>PL 130757</b>
<b>AUTHOR:</b>	<b>Acting Shire Planner – Russell Reid</b>

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Appendix 4

### **BACKGROUND**

An application for subdivision has been forwarded by the Western Australian Planning Commission for consideration and comment by Council.

### **COMMENT**

The application proposed the subdivision of Farming Zoned location 2835 which is bisected by the York-Williams Road into 2 lots of 29.73ha and 11.04ha respectively, either side of that road.

The smaller lot proposed would have frontage to the Dale River Reservation.

Under the provisions of Shire of Beverley Town Planning Scheme No.2, the present site is partly located within Policy Areas Be3 and Be4, within which a minimum lot size of 40ha is recommended.

Where a property is physically divided by a road, which adversely affects the farming management of the property, the minimum lot size recommended does not apply.

In this particular instance it is suggested that support for this subdivision will not set an undesirable precedent in the locality concerned.

**M8/0406**      **Moved Cr Foster**      **Seconded Cr Roberts**  
**That Council recommend to the Western Australian Planning Commission that the subdivision as proposed be approved with nil conditions.**

**CARRIED 9-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.3</b>
<b>DATE:</b>	<b>11 April 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION OF LOT 10 HUNT ROAD, BEVERLEY</b>
<b>OWNER:</b>	<b>F R Calzoni</b>
<b>FILE REFERENCE:</b>	<b>PL 130764</b>
<b>AUTHOR:</b>	<b>Acting Shire Planner – Russell Reid</b>

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Appendix 5

### **BACKGROUND**

An application for subdivision has been forwarded by the Western Australian Planning commission for consideration and comment by Council.

### **COMMENT**

The application proposes the subdivision of the Residential R10 zoned lot into two (2) lots of 8,000m<sup>2</sup> and 1.8ha respectively.

Both lots proposed have frontage to the constructed Hutchinson Street and are serviced by the town's water and power networks.

Hutchinson Street is of basic gravel construction that is worthy of upgrading.

**M9/0406 Moved Cr McLean Seconded Cr Leonhardt  
That Council recommend to the Western Australian Planning  
Commission that the subdivision as proposed be approved  
subject to:-**

- 1. The Hutchinson Street gravel construction, fronting the two (2) lots proposed, being upgraded to a standard acceptable to the Shire's Works Supervisor.**

**CARRIED 9-0**



## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.5</b>
<b>DATE:</b>	<b>19 April 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED ORGANIC MARKET GARDEN – LOT 133 VINCENT STREET, BEVERLEY</b>
<b>OWNER:</b>	<b>A Mead</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Acting Shire Planner – Russell Reid</b>

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Appendix 7

### BACKGROUND

An application has been received from the abovementioned person who seeks Council's approval to the development of an Organic Market Garden Project on the abovementioned lot, which has an area of 13,633m<sup>2</sup> frontage to Vincent Street, and which is zoned Residential R5 under the provisions of Shire of Beverley Town Planning Scheme No.2.

### COMMENT

1. In his submission, a copy of which is attached to this report, Mr Mead makes clear the following points:-
  - He is well qualified to develop and manage the project he proposes.
  - He proposes to run the Wholesale, not Retail Market Garden Project, which will service local business.
  - Materials used in the operation of the Market Garden are natural and non-toxic.
  - No heavy machinery will be used in the operation.
2. The project area is zoned for Residential R5 purposes, under the provisions of Town Planning Scheme No.2, and Intensive Agriculture is listed as an "AA" use within that zone, which means that Council may, at its discretion, permit the use.

Intensive Agriculture is defined as:-

*'The use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following-*

- a) The production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;*
- b) The establishment and operation of plant and fruit nurseries;*
- c) The development of land for irrigated fodder production and irrigated pasture (including turf farms);*
- d) The development of land for irrigated tree production;*







## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.1</b>
<b>DATE:</b>	<b>19 April 2006</b>
<b>SUBJECT:</b>	<b>WORK ORDERS</b>
<b>LOCATION:</b>	<b>Beverley Townsite</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

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### BACKGROUND

Council at its meeting on 28 March 2006 dealt with the schedule of works which was placed on the Golf Club on 17 January 2005.

This report has been prepared in response to that schedule of works.

The following **commercial premises and sporting clubs** have had schedules placed on them:-

1. Beverley Hotel – Schedule placed on 4 April 2003, and completed on 20 October 2004.
2. Freemasons Hotel – Schedule prepared not served, but voluntarily completed March 2006.
3. T Bone and sons – Schedule placed on 6 October 2003 completed on 25 October 2004.
4. Hot Pot Café - Schedule placed on 9 February 2006 – Current.
5. Country Kitchen – Schedule placed on 5 January 2006 – Current.
6. Bowling Club- Schedule placed on 30 March 2005 – Current.
7. Tennis Club- Schedule placed 30 March 2005 – completed 15 April 2006.
8. Golf Club- Schedule placed on 17 Jan 2005. – Not yet commenced.
9. Town Hall- Schedule placed 30 March 2005 -Not yet completed.
10. Amenities Building – Schedule placed 30 March 2005 – Not yet completed.
11. Football Club – Schedule placed 27 January 2005 – Not yet completed.
12. \*Avon Valley Low Cost Foods – placed on 22 December 2005 (now closed).

*\* Denotes premises providing/selling food.*

### Housing:-

1. 49 Forrest Street 28 Jan 2006 – House Unfit
2. Lot 29 Seabrook St – 29 April 2005 – pull down and remove

3. Lot 30 Seabrook St – 29 April 2005 – Pull down and remove
4. Loc 28868 Rigoll Rd – 22 November 2005 Letter (pull down and remove)
5. 63 Lukin St – 9 July 2004 House Unfit
6. Lot 218 Lukin Street – 18 August 2005 – letter - untidy property
7. Lot 1 Dempster Street – 18 August 2005 – Letter- untidy property
8. Lot 4 Great Southern Highway – Various orders over the past 3 years – dwelling now demolished. Complied
9. 78 Hunt Road - 5 January 2006 Untidy property - Complied
10. Lot 54 Vincent Street - 21 November 2005 – Stop work - Complied
11. Beverley Horse and Pony Club – ablution block 7 October 2005 – Completed 16 April 2006

### **COMMENT**

As Council can see the list of premises which have, or have completed schedules is extensive.

The aim of the schedules/orders is to have the commercial premises (food premises) brought up to a minimum standard. This minimum standard is reviewed each time the premise is inspected. Invariably, wear and tear has an effect on the fixtures and fittings. Owners have to be made aware of this, and it is their responsibility under the Health Act to maintain their premise, and it is not my responsibility to tell them what needs to be repaired or replaced. The order is usually the second last resort.

As indicated above there are those individuals who voluntarily carry out maintenance and realise that it is their responsibility to do so.

There are other dwellings that have had order and have complied which are not listed.

### **STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960  
Health Act 1911

**It was agreed that this item be received.**

Stephen Gollan declared an interest in the following item and left Council Chambers at 2.32pm.

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.2</b>
<b>DATE:</b>	<b>20 April 2006</b>
<b>SUBJECT:</b>	<b>SCHEDULE OF WORKS – BEVERLEY GOLF CLUB</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

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Appendix 8

### **BACKGROUND**

Council at its meeting on 28<sup>th</sup> March 2006 resolved to close the kitchen at the Beverley Golf Club, if the management committee of the Golf Club failed to install a hand wash basin with a soap and towel dispenser by 17 April 2006. Further, the management committee is required to draft a proposal, which would ensure that all the works in the schedule are completed.

The hand washbasin will be installed by the local plumber shortly. The plumber has had discussions with me, and has confirmed that he will install it as soon as possible. It may be that it will not be done before the 17 April 2006.

An onsite meeting was held on Friday 31<sup>st</sup> March 2006 with the management committee to discuss what work had to be done.

### **COMMENT**

It appears that there is renewed interest from the management committee to resolve the issue. An extension of twelve months to complete all the works is satisfactory, since it has been partly documented. Any time over twelve months is unacceptable, as my previous report has indicated, that most other food premises in the town have complied with work schedules in a reasonable time frame.

### **STATUTORY ENVIRONMENT**

Health Act 1911 (as amended)  
Food Act

**M13/0406 Moved Cr Foster** **Seconded Cr Leonhardt**  
**That Council grant an extension to the Beverley Golf Club until the**  
**30 April 2007 to complete the schedule of works.**

**CARRIED 9-0**

Stephen Gollan entered Council Chambers at 2.43pm.









## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.1</b>
<b>DATE:</b>	<b>18 April 2006</b>
<b>SUBJECT:</b>	<b>LEASING OF CROPPING COMMITTEE LAND</b>
<b>FILE REFERENCE:</b>	<b>CP017</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

After discussions with members of the Cropping Committee it was agreed to call for submissions to lease the remaining portions of cropping committee land for grazing rights only for a period of three years.

### COMMENT

An advertisement was placed in the Beverley Blarney with submissions closing at 4.00pm on Wednesday 12<sup>th</sup> April 2006.

The following submissions were received:

	Jamie & Jennie Hammond	CR & J Ridgway	Beverley Football Club	D. Barrett Lennard	Jeff Murray
Pt Reserve 5265 (Sand Pit) (Lot B)			\$ 650.00		\$ 4,100.00
Reserve 25266 (Bethany Farm)			\$ 800.00	\$ 3,456.02	\$ 4,200.00
Reserve 38798 (Mount Kokeby Block)		\$1,141.80			
Reserve 2633 (Old Aerodrome Opposite CBH)					
Lot 78 Waterhatch Road	\$ 666.67		\$ 220.00	\$ 456.45	

The leases are for a period of 3 years (15<sup>th</sup> April 2006 to 31<sup>st</sup> March 2009).

Council current lease payments to the Department of Planning and Infrastructure are shown below.

- Reserve 25266 (Bethany Farm) \$ 4,500.00 per annum
- Reserve 38798 (Mount Kokeby) \$ 550.00 per annum

As the figures indicate the amount of money offered for the lease of Reserve 25266 (Bethany Farm) does not cover the annual lease payment and Reserve 38798 (Mount Kokeby) the sum offered for the lease covers the lease payment.

Councillors Schilling, McLean, Szczecinski and Bailey held a meeting to discuss the above submission on Thursday 13<sup>th</sup> April 2006.







## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.4</b>
<b>DATE:</b>	<b>18 April 2006</b>
<b>SUBJECT:</b>	<b>SALE OF LAND – PORTION OF BEVERLEY SUB LOT 127</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 11

### BACKGROUND

An offer of \$15,000.00 for the purchase of portion of Beverley sub lot 127 has been received from the adjoining owner in Brooking Street, Craig Moynihan.

Mr. Moynihan has placed the following conditions upon his offer:

1. ANZ Bank finance being available.
2. Settlement agent being Shane Jacob.
3. The land titles can be made as one title, with no rate increase.
4. The land being resurveyed and pegged at Council's expense.
5. As is condition with no fencing and no services (although there are no services to the lot both power and water pass by on the opposite side of Brooking Street)

### COMMENT

A local government can dispose of property, other than by auction or tender, if before agreeing to dispose of the property –

1. It gives local public notice of the proposal;  
Describing the property,  
Giving details of the proposed disposition; and  
Inviting submissions to be made before a date to be specified but not less than two weeks after the notice is first given; and

It considers any submissions received before the date specified in the notice and if its decision is made by the Council or a Committee, the decision and reasons for it are recorded in the Minutes of the meeting at which the decision was made.

The actual notice in the local newspaper shall contain –

1. The names of all other parties concerned;
2. The consideration to be received by the local government from the disposition; and
3. The market value of the disposition, ascertained by a valuation carried out not more than six months before the proposed disposition.



## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.5</b>
<b>DATE:</b>	<b>18 April 2006</b>
<b>SUBJECT:</b>	<b>USE OF OLD FIRE STATION</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 12

### **BACKGROUND**

The Beverley Drug Action Group (L.D.A.G.) has issued a request to utilise the Old Fire Station as a venue for the youth of the Community.

Council has previously offered the Infant Health Centre to LDAG, however the Committee has deemed this building unsuitable.

### **COMMENT**

Council originally offered the Fire Station to Lyn's Gym, however, this business is now operating from the Old Courthouse.

John Saville-Wright has also forwarded a formal interest in the Fire Station for the use of an office and has requested full lease details and whether it is available.

The LDAG Committee has also requested the opportunity to discuss with Council the future of the Fire Station and a Youth Development Plan, a copy of which is attached.

**M22/0406 Moved Cr Foster** **Seconded Cr Roberts**  
**That Council meet with the Beverley Local Drug Action Group to discuss their Youth Development Plan and request to utilise the Old Beverley Fire Station.**

**CARRIED 8-1**

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 4.44pm.

**M23/0406 Moved Cr Alexander Seconded Cr Leonhardt**  
**That Council agree that Councillors Szczecinski and McLean do**  
**not have an interest in the following item.**

**CARRIED 7-0**

## **7.5 ADMINISTRATION**

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<b>ITEM NUMBER:</b>	<b>7.5.6</b>
<b>DATE:</b>	<b>18 April 2006</b>
<b>SUBJECT:</b>	<b>ACCOMMODATION – BEVERLEY OPPORTUNITY SHOP</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### **BACKGROUND**

At the March meeting of Council, correspondence was tabled from the Beverley Hospital Auxiliary requesting Council to provide a venue to operate their Opportunity Shop, as the present accommodation at the Freemasons Hotel will be withdrawn at the end of June 2006.

In response to the request of the Auxiliary, Council resolved that the Hospital Auxiliary be offered the use of the flat component of the Infant Health Centre at no charge, to enable them to operate the Opportunity Shop.

### **COMMENT**

The Auxiliary has responded, thanking Council for the offer, but after conducting an inspection, the Infant Health Centre is unsuitable for the following reasons:

- 1. 'To accommodate the vast quantity of clothing and other items that we sell we would need to use both of the main rooms in the flat with our service counter being in one of them. This would pose a problem with security, as it would be difficult to monitor the 'unsupervised' room. The rooms themselves are not of an adequate size to display and to allow easy movement amongst the goods, as well as to fit our long wooden counter.'*
- 2. The remainder of the flat – kitchen, hall and toilet etc – would be superfluous to our needs as there are only two helpers present in the shop for two hours at a time and only on a Friday. In fact, we would find that maintaining the flat and the carpeted floors in a clean condition would create extra work for our volunteers.'*
- 3. The fact that the rooms do not have Vincent Street frontage would also be disadvantageous. The Shop needs to have a prominent, highly visible access that impacts on the public and attracts the customers. The entrance on Dawson Street is 'hidden' from the passer-by on the main street.'*











## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.9</b>
<b>DATE:</b>	<b>26 April 2006</b>
<b>SUBJECT:</b>	<b>SHIRE PLANNER POSITION</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

With the resignation of Council's Planner an advertisement was placed calling for applications for this position.

An interview was held in Brookton to select a new Planner. Mr Warwick Carter was offered the position of Planner for the Shires of Beverley and Brookton and he has since accepted the position.

He will commence employment from the 6<sup>th</sup> June 2006.

**M27/0406 Moved Cr Roberts** **Seconded Cr Bailey**  
**That Council endorse the employment of Mr Warwick Carter as the**  
**Shire of Beverley's Planner.**

**CARRIED 9-0**

**8. INFORMATION BULLETIN**

**8.1 CHIEF EXECUTIVE OFFICER**

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<b>ITEM NUMBER:</b>	<b>8.1.3</b>
<b>DATE:</b>	<b>20 April 2006</b>
<b>SUBJECT:</b>	<b>RURAL COMMUNITY LEGAL SERVICE INC.</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 13

**BACKGROUND**

The Rural Community Legal Service has requested Council to consider contributing \$1,300.00 so they may continue providing a service, when adopting the 2006/07 budget.

A copy of their objectives and other relevant information is attached.

**The meeting agreed to consider this item when formulating their 2006/2007 budget.**







**11. CLOSURE**

**There being no further business the meeting closed at 6.05pm.**

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

**Presiding Member**

**Date**