



## Shire of Cunderdin

### Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Wednesday 27<sup>th</sup> September 2023** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley  
**Chief Executive Officer**  
21<sup>st</sup> September 2023

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## AGENDA

### 1. Declaration of Opening

The Shire President declared the meeting open at \_\_\_\_pm.

The Shire of Cunderdin disclaimer will be read aloud by Cr AE (Alison) Harris.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13.

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

### 2. Record of Attendance, Apologies and Approved Leave of Absence

#### 2.1 Record of attendances

##### Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr N (Natalie) Snooke	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	

##### In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer

##### Guests of Council

##### Members of the Public

#### 2.2 Apologies

#### 2.3 Leave of Absence Previously Granted

### 3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

### 4. Petitions, Deputations & Presentations

### 5. Applications for Leave of Absence

#### Recommendation 5.1

That Council approve Leave of Absence for Cr \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ inclusive

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

### 6. Confirmation of the Minutes of Previous Meetings

#### 6.1. Ordinary Meeting of Council held on 23<sup>rd</sup> August 2023

#### Recommendation 6.1

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 23<sup>rd</sup> August 2023 be confirmed as a true and correct record.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

#### **Note to this item:**

The President will sign the minute declaration on the previous minutes.

### 7. Declaration of Members and Officers Interests

### 8. Announcements by President without Discussion

## 9. Finance & Administration

### 9.1. Financial Reports for July 2023 and August 2023

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	19 September 2023
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.1.1 – July 2023 Monthly Financial Report Attachment 9.1.2 – August 2023 Monthly Financial Report

#### **Proposal/Summary**

The financial reports as at 31<sup>st</sup> of July 2023 and 31<sup>st</sup> of August 2023 are presented for consideration.

#### **Background**

The financial reports have been circulated to all Councillors.

#### **Comment**

Nil.

#### **Consultation**

Nil.

#### **Statutory Environment**

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

#### **Policy Implications**

Nil.

#### **Financial Implications**

All financial implications are contained within the reports.

#### **Strategic Implications**

Nil.

#### **Recommendation 9.1**

That Council receives the monthly financial reports for the periods ending 31<sup>st</sup> of July 2023 and 31<sup>st</sup> of August 2023.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.2. Accounts Paid – 30<sup>th</sup> August 2023

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	19 September 2023
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.2.1 – August 2023 Creditors Listing Attachment 9.2.2 - Credit Card Statement August 2023

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$650,621.98
Total for Trust -	\$0.00
TOTAL -	\$650,621.98

For August 2023 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 31<sup>st</sup> August 2023.

### **Background**

Nil.

### **Comment**

Nil.

### **Consultation**

Nil.

### **Statutory Environment**

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

### **Policy Implications**

Nil.

### **Financial Implications**

All financial implications are contained within the reports.

### **Strategic Implications**

Nil.

**Recommendation 9.2**

1. That Council's payments of accounts amounting to \$650,621.98 being from Municipal Account for August 2023, as follows:

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 7377 - 7550	\$611,029.55	
Direct Debit (Inc Bank Charges):	\$30,420.14	
Cheques: 11875 - 11877	\$9,172.29	
<b>Trust Account</b>		
	\$0.00	
<b>TOTAL</b>		<b>\$650,621.98</b>

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

### 9.3. Council Investments – As at 31st August 2023

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	19 September 2023
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.3.1 - Bank Statements August 2023

#### Proposal/Summary

To inform Council of its investments as at 31st August 2023.

#### Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds June be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

#### Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 31st August 2023.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$830,779.04	Municipal- 0000030	\$830,779.04		
Bendigo Bank	\$3,200,575.48	Municipal- 155971377	\$3,200,575.48		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$5,104.99	Bendigo Trust Account 164 488 686			\$5,104.99
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,386,843.67	Term Deposit 5.25% Exp 20 Dec 2023		\$1,386,843.67	
<b>TOTAL INVESTMENTS</b>	<b>\$5,423,449.96</b>		<b>\$4,031,354.52</b>	<b>\$1,386,990.45</b>	<b>\$5,104.99</b>

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits as following & operating Acc#000073- \$0.00



**CUNDERDIN COMMUNITY TRUST DETAILS**  
**INTEREST ACCOUNT**  
**31 August 2023**

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#  
4399089  
Maturing 5 Dec 2023  
(4.9%)

211,249.28

**TOTAL** **211,249.28**

Credits 0.00

Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

**TOTAL** **211,249.28**

**INCOMING**

*Interest earnt  
on TD @  
maturity* 0.00

0.00

**OUTGOING**

0.00

**Balance as at end of month** **TOTAL** **211,249.28**

**CUNDERDIN COMMUNITY TRUST DETAILS**  
**CAPITAL ACCOUNT**  
**31 August 2023**

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#  
4399108  
Maturing 5 Dec 2023  
(4.9%)

369,862.05

**TOTAL** **369,862.05**

Credits 0.00

Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

**TOTAL** **369,862.05**

**INCOMING**

0.00

0.00

**OUTGOING**

0.00

**Balance as at end of month** **TOTAL** **369,862.05**

**Consultation**

Nil.

**Statutory Implications**

Financial Management Regulation 19.

**Policy Implications**

Nil.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long-Term Financial Plan when determining annual Council Budgets.

**Recommendation 9.3**

That the report on Council investments as at 31st August 2023 be received and noted.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

#### 9.4. Shire of Cunderdin Workforce Plan

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	20 <sup>th</sup> September 2023
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.4.1 – Workforce Plan 2023/2036.

#### **Proposal/Summary**

To complete a desktop review of the Shire of Cunderdin Workforce Plan as attached.

#### **Background**

The Local Government Act 195 Section 5.56(1) and 5.56(2) requires that each local government is 'to Plan for the Future of the district', by developing plans in accordance with the regulations. The Workforce Plan forms part of the Integrated Planning and Reporting Framework which is an essential planning tool not only for today but beyond tomorrow.

#### **Comment**

The Local Government Act 1995 and the Department of Local Government Advisory Standard on Integrated Planning and Reporting (IPR) Framework provides the direction for planning activities, including engagement and review.

Workforce Planning is one of the four key components of the Integrated Planning and Reporting Framework and Guidelines. Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.

At the strategic level, the Integrated Workforce Plan should take into account the community aspirations, priorities and objectives identified in the Strategic Community Plan. The Integrated Workforce Plan is an essential component of the Corporate Business Plan, where it identifies the workforce requirements and strategies for current and future operations over the next four years or more.

#### **Consultation**

Stuart Hobley, Chief Executive Officer  
Hayley Byrnes, Deputy Chief Executive Officer

#### **Statutory Implications**

*Local Government (Administration ) Regulations 1996*  
*Local Government Act 1995 – Section 5.56*

#### **Policy Implications**

Nil

#### **Financial Implications**

There will be ongoing financial implications to Council in relation to this item as the Workforce Plan integrates with the Corporate Business Plan. To achieve these outcomes necessary resources will be identified in the Shire's Long Term Financial Plan and as determined during annual budget deliberations.

**Strategic Implications**

5. CIVIC LEADERSHIP

5.2 Forward planning and implementation of plans.

5.3 Implement systems and processes that meet legislative and audit obligations

**Recommendation 9.4**

That Council accepts the review of the Shire of Cunderdin Workforce Plan.

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

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

Vote – Simple majority

Carried/Lost: \_\_/\_\_



### 9.5. Field Solutions Group Site Licence – Lot 50 Vanzetti Street Meckering

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance & Administration
<b>Date:</b>	22 September 2023
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.5.1 - FSG Standard Facility Licence 1.1c - Shire of Cunderdin

#### **Proposal/Summary**

To consider the request from Field Solutions Group (FSG) to have a Site Licence on Lot 50 Vanzetti Street Meckering to construct a 45m free standing tower.

#### **Background**

Field Solutions have requested permission obtain a Site Licence on Lot 50 Vanzetti Street Meckering to construct a 45m free standing tower in the Reserve on the southwest corner of the intersection of Leeming Street and Vanzetti Street. The lot is currently owned by the Shire of Cunderdin.

The tower will form part of the Avon East Digital Farm Grants Program which will provide internet and telecommunications services to area.

Filed Solutions have had discussions with neighbouring landowners with respect to locating the tower on their property however these negotiations have not been successful.

#### **Comment**

This land is not currently being used by Council and Council does not have any plans for this site in the future.

The Meckering townsite has surrounding area has had poor and intermittent internet and telecommunications and the construction of a new digital network will improve telecommunications in the region.

Under the terms of the Licence FSG obligations are as follows:

1. FSG must reimburse Council's cost of any electricity used by the Facilities.
2. If any amount payable by FSG under this Licence is subject to GST, FSG must pay the GST if Council delivers a valid tax invoice for it.
3. In exercising Licence Rights, FSG must:
  - a. comply with the Carrier Obligations and all other all applicable laws;
  - b. give Council at least 5 days' written notice (Installation Notice) of the installation of Facilities (except in urgent or emergency circumstances);
  - c. comply with Council's reasonable rules and directions about safety;
  - d. not unreasonably impair Council's normal operations at the Land or the Building;
  - e. maintain public liability insurance of at least \$20m and provide to Council (within 30 days after Council's request) proof of currency of such insurance;
  - f. at the end of the Term, remove the Facilities and repair any damage caused by the removal (unless FSG is otherwise lawfully entitled to maintain the Facilities in place);
  - g. comply with its obligations to Council without unreasonable delay; and
  - h. except as otherwise stated by this Licence – pay its own costs and expenses.

Councils obligations are as follows:

1. at FSG's expense – give FSG any assistance it reasonably requires to exercise the Licence Rights;
2. sign any document (eg consent to separate power supply or meter; consent to application for local council approval) etc required by FSG for the purposes of enjoying the Licence Rights;
3. keep the Land and any Building in a safe and serviceable condition (but is not obliged:
  - a. to improve them relative to their condition at the Licence Date;
  - b. to repair any damage that is caused by FSG; or
  - c. to maintain the Facilities or any part of them);
  - d. if the Land is proposed to be transferred to any person – notify the proposed transferee of this Licence; and
  - e. if the Land is transferred to any person – notify FSG of the details of the transferee; and
  - f. except as otherwise stated by this Licence – pay its own costs and expenses of and in connection with this Licence.

The term of the licence is 20 years, and Council can terminate the agreement giving 12 months notice after this 20 year period has expired. FSG can terminate the licence on three (3) months notice at any time.

The proposed agreement does not include an annual licence fee. Council can request that an annual fee be included in the agreement.

### **Consultation**

Nil.

### **Statutory Implications**

*Local Government Act 1995:*

#### *3.58. Disposing of property*

- (1) *In this section –  
“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
“property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to –  
(a) the highest bidder at public auction; or  
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –  
(a) it gives local public notice of the proposed disposition –  
(i) describing the property concerned; and  
(ii) giving details of the proposed disposition; and  
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and  
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

**Policy Implications**

Nil.

**Financial Implications**

Council are not liable for any of the cost associated with this proposal.

The agreement put forward by FSG does not include an annual licence fee. Council can request that an annual fee be included in the agreement and that the fee be subject to CPI increases.

**Strategic Implications**

2.1 Facilitate local business retention and growth

Industry is diverse, supported and connected

Reduction in the number of mobile black spots across the Shire

**Recommendation 9.5**

That Council:

- 1) Approve the Site Licence between the Shire of Cunderdin and Field Solutions Group as attached.
- 2) Authorise the Chief Executive Officer and Shire President to sign and place the Common Seal on the Site Licence.
- 3) Advertise the Site Licence as per the Local Government Act and Regulations.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.6. Chief Executive Officers Report

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	20 <sup>th</sup> September 2023
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Nil

### Proposal/Summary

To provide an update on the matters the Chief Executive Officer has been addressing over the past month.

### Background

#### Local Roads and Community Infrastructure Program Phase 3 Projects

The following have been completed under Stage 3 of the LRCIP

O'Connor Park

Cunderdin Golf Club – Shed

Tennis Club – Installation of the Soft Fall.

Cunderdin Sport and Recreation Club - Blinds

The projects below are still to be completed

Meckering Earthquake Memorial Garden

The project has commenced and is expected to be completed within four to six weeks. The contractors have been off site recently completing another project.

#### Cunderdin Industrial Lot Development

Development WA have completed the final plans for the industrial development and prepared a Contract of Sale.

Council has completed and returned the offer and acceptance to Co-operative Bulk Handling (CBH)

Council are now responsible for obtaining sub division approval as per section 4.1 “Buyer must apply for Subdivision Approval” of the contract of sale.

A Form 1A will need to be prepared (signed by CBH) and lodged with the Dept of Planning to exercise the 5,880m2 from the parent title – there is an anticipated 90 days for draft subdivision conditions to be provided.

Once conditions are met, a Deposited Plan can be lodged with Landgate for review and once approved the DP will be considered “in order for dealing” – to enable creation of new title / settlement.

#### 2023 Elections

Council received four nominations for the four vacant positions on Council which means all nominees were elected unopposed.

As per the recent State Government reforms the Shire of Cunderdin had the number of Councillors reduced from eight (8) to seven (7).

As determined by the Electoral Commission the terms of the Shire of Cunderdin’s Councillors are as follows:

Term Expiring 2023: Three (3) Councillors

Term Expiring 2025: Four (4) Councillors



This resulted in one of the newly elected Councillors only being elected for a two (2) year term. Names where drawn, as per the Local Government Regulations and the following terms were determined.

Cr Todd Harris            Four (4) year term expiring 2027  
Cr Bernie Daly            Four (4) year term expiring 2027  
Cr Anthony Smith        Four (4) year term expiring 2027  
Cr Holly Godfrey        Two (2) year term expiring 2025

The results of the election process have been advertised on the Shires web page and by the Department of Local Government as per the Regulations.

**Comment**

Nil.

**Consultation**

Nil.

**Statutory Implications**

Nil.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Recommendation 9.5**

That the Chief Executives Officers Report be received.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

**10. Environmental Health and Building**

Nil.

**11. Planning & Development**

Nil.

**12. Works & Services**

**12.1. Move Behind Closed Doors**

**Recommendation 12.1**

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

12.2. 2023/24 Sealing Tender

12.3. 2023/2024 Stabilising Program

**12.4. Move From Behind Closed Doors**

**Recommendation 12.4**

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

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

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

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

**13. Urgent Items**

Nil.

**14. Scheduling of Meeting**

**14.1. October 2023 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Wednesday 25<sup>th</sup> October 2023 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

**15. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at \_\_: \_\_pm.

**16. Certification**

**DECLARATION**

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 27<sup>th</sup> September 2023, as shown, were confirmed at the ordinary meeting of Council held on 25<sup>th</sup> October 2023.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_