



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### STATUTORY COUNCIL MEETING AGENDA

***Mission Statement:** West Wimmera Shire Council will work in partnership with the community, business and government to develop and enhance a productive, healthy and safe community by providing leadership, services, advocacy and good governance*

**TO BE HELD:** Thursday 10 November 2016

**LOCATION:** West Wimmera Shire Council Chamber  
25 Baker Street, Kaniva

**COMMENCEMENT:** 10:00 am

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#### REQUIRED TO ATTEND:

| Councillors-Elect                  | Senior Management Group   |
|------------------------------------|---|
| Trevor Domaschenz<br>Richard Hicks | David Leahy<br>Chief Executive Officer                            |
| Tom Houlihan<br>Bruce Meyer        | Venkat Peteti<br>General Manager Corporate & Community Services   |
| Jodie Pretlove                     | Robyn Evans<br>General Manager Infrastructure Development & Works |

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***Vision Statement:** West Wimmera Shire delivers the very best experience and opportunity that rural living has to offer*



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## WEST WIMMERA SHIRE COUNCIL

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## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### **1.0 WELCOME – CHIEF EXECUTIVE OFFICER**

### **2.0 OPENING PRAYER – CHIEF EXECUTIVE OFFICER**

Almighty God, we humbly ask your blessing upon this Council.

Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire.

### **3.0 ELECTION OF TEMPORARY CHAIRPERSON**

*Local Law No 7 Meeting Procedure and Common Seal Local Law Part 3 Cl 13 stipulates the Chief Executive Officer (CEO) will be the First Temporary Chair of the meeting at which the election of Mayor is to be conducted. The CEO as First Temporary Chair will call for nominations for a Second Temporary Chair.*

#### **FOR DECISION**

#### **RECOMMENDATION:**

**That Council elect Cr (to be inserted) to the position of Second Temporary Chair.**

### **4.0 APOLOGIES AND LEAVE OF ABSENCE**

### **5.0 DECLARATION OF CONFLICT OF INTEREST**



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### 6.0 OATH OF OFFICE AND COUNCILLOR CODE OF CONDUCT

Pursuant to Section 63 of the **Local Government Act 1989**

#### **63. Oath of office and Councillor Code of Conduct**

- (1) *A person elected to be a Councillor is not capable of acting as a Councillor until the person has—*
- (a) *taken the oath of office specified in subsection (1A); and*
- (b) *read the Councillor Code of Conduct and, in accordance with subsection (3), made a declaration stating that they will abide by the Councillor Code of Conduct.*

(1A) *The following oath of office is to be taken by a Councillor in accordance with Division 2 of Part IV of the Evidence (Miscellaneous Provisions) Act 1958—*

*"I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of \_\_\_\_\_ and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment".*

- (2) *The oath of office must be—*
- (a) *made before the Chief Executive Officer; and*
- (b) *dated and signed before the Chief Executive Officer; and*
- (c) *recorded in the minutes of the Council.*

*Note: See section 102 of the Evidence (Miscellaneous Provisions) Act 1958 as to the making of a solemn affirmation instead of an oath.*

- (3) *A declaration by a person elected to be a Councillor under subsection (1)(b) must be—*
- (a) *in writing; and*
- (b) *witnessed by the Chief Executive Officer.*

**West Wimmera Shire Council's Chief Executive Officer will now:**

- 1. Administer the Oath of Office Declaration to be made by all Councillors.**
- 2. Witness each Councillor's Councillor Code of Conduct declaration, stating that they will abide by the Code.**

#### **Attachments:**

| <b>No.</b> | <b>Name</b>  | <b>RecFind Ref</b> |
|------------|--|--------------------|
| 6.1        | WWSC Councillor Code of Conduct, adopted 2 June 2016 | 16/002184          |



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### OATH OF OFFICE

I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of West Wimmera Shire Council, and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the **Local Government Act 1989** or any other Act to the best of my skill and judgment.

\_\_\_\_\_  
Councillor

On this day: ..... 2016

\_\_\_\_\_  
David Leahy – Chief Executive Officer

On this day: ..... 2016



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### 7.0 ELECTION OF MAYOR

*Pursuant to Section 71 of the **Local Government Act 1989 (LGA89)**, and **Local Law No 7 Meeting Procedures and Common Seal Local Law Part 3 Clause 13**, that Council elect a Councillor as Mayor. Council may determine to elect a Mayor for a term of 2 years pursuant to S71 (2) of the LGA89*

#### Legislative Implications – Extract Local Government Act 1989

71. *Election of Mayor*

- (1) *At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.*
- (3) *The Mayor is to be elected—*
  - (a) *after the fourth Saturday in October but not later than 30 November in each year; or*
  - (ab) *if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or*
  - (b) *as soon as possible after any vacancy in the office of Mayor occurs.*
- (4) *The election of a Mayor after the period specified in this section does not invalidate the election.*  
*[S. 71(5) substituted by No. 76/1995 s. 10(2), repealed by No. 5/2001 s. 30(1).]*
- (6) *The Mayor of a Shire Council may be titled the President.*
- (7) *Any reference to "Mayor" includes a reference to "Lord Mayor" or "President" as the case may be.*

72. *Term of office*

- (1) *The office of Mayor becomes vacant—*
  - (a) *at 6 a.m. on the day of the election of the Mayor; or*
  - (b) *if he or she dies or ceases to be a Councillor; or*
  - (ba) *if his or her office as a Councillor is suspended for any period under this Act; or*
  - (c) *if he or she resigns in writing which is given at a Council meeting or to the Chief Executive Officer; or*
  - (ca) *if he or she becomes ineligible to hold office under section 81J(2), 81J(2A) or 81K; or*
  - (d) *if he or she is ousted from office.*
- (2) *For the avoidance of doubt, the office of Mayor becomes vacant under subsection (1)(b) at 6 a.m. on the day of a general election whether or not the Mayor has completed his or her term of office as resolved by the Council under section 71(1).*
- (3) *Any Councillor is eligible for election or re-election to the office of Mayor.*

#### **RECOMMENDATION:**

**That Council elect Cr (to be inserted) as West Wimmera Shire Council Mayor for 2016/2017.**



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### **8.0 DATE AND PLACE OF COUNCIL MEETINGS – SCHEDULE FOR 2017**

**FILE NUMBER: AD0183**

**REPORT AUTHOR: ELIZABETH MATUSCHKA**

**GOVERNANCE & EXECUTIVE SUPPORT OFFICER**

### **FOR DECISION**

#### Introduction

Pursuant to Meeting Procedure and Common Seal Local Law No.7 Part 4 Clause 15, Council determines the schedule for its Ordinary Council Meetings for the next calendar year at its annual Statutory Council Meeting.

#### Declaration of Interests

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

#### Background

Ordinary Council Meetings are held on a monthly basis, with the exception of January when there is no meeting. The same timing applies to the Assembly of Councillors Councillor Forum.

The eleven Ordinary Council Meetings for the year are held in the following locations:

- Four in Edenhope.
- Four in Kaniva.
- Three in a regional location other than Edenhope or Kaniva, followed by an evening meal with the community and a Community Forum. For the sake of equity, these three meeting locations are chosen so that one is in the north of the Shire, one is in the south of the Shire, and one is roughly in the centre of the Shire.

For the information of Councillors, the following chart lists the locations where Community Forums have been held for the period 2009-2016 (based on the best available information at the time of writing this report):



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| Town/Locality | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---------------|------|------|------|------|------|------|------|------|
| Apsley        |      | Sep  |      |      |      |      | Oct  |      |
| Benayeo       | May  |      |      | Jul  |      |      |      |      |
| Charam        |      |      |      |      | Jul  |      |      |      |
| Connewirrecoo |      |      | Mar  |      |      |      |      |      |
| Dinyarrak     |      | May  |      |      |      |      |      |      |
| Dorodong      |      | Sep  |      |      |      |      |      | Apr  |
| Douglas       |      |      | Nov  |      |      |      |      |      |
| Goroke        | Jul  |      |      |      |      |      | Jul  |      |
| Gymbowen      |      |      | Aug  |      |      |      |      | Nov  |
| Harrow        |      |      |      |      |      | Oct  |      |      |
| Lawloit       |      |      |      |      |      |      | Apr  |      |
| Lillimur      |      |      |      |      | Apr  |      |      |      |
| Minimay       |      |      |      |      |      | Jul  |      |      |
| Nurcounge     |      |      |      |      |      |      |      |      |
| Peronne       |      |      |      |      | Oct  |      |      |      |
| Poolaijelo    |      |      |      | Oct  |      |      |      |      |
| Serviceton    |      |      | May  |      |      | Apr  |      |      |
| Telopea Downs | Mar  |      |      | Apr  |      |      |      | Jul  |

### Risk Management Implications

Not commented on.

### Legislative Implications

West Wimmera Shire Council is required to meet on a regular basis, to conduct its formal business.

### Environmental Implications

Not commented on.

### Financial and Budgetary Implications

Not commented on.





## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:  
Advocacy Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017:

- Strategic Objective 3: Improve communication and community engagement activities of Council
- Strategic Objective 4: Increase community confidence in Council Service Levels

### Communication Implications

Council Meetings and Community Forums are publicised on the Shire's website and Facebook page. Advertisements are placed in the local newspapers. Flyers are distributed throughout the Shire.

### Conclusion

Council meets regularly to conduct its business, and takes every opportunity to interact with the local community to listen to its issues and concerns.



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### **OFFICER RECOMMENDATION:**

That Council adopt the proposed meeting schedule (date, time and place) as listed below, as the dates and venues for the Ordinary Meetings of Council, Community Forums, Assembly of Councillors Councillor Forums and Statutory Meeting of Council for 2017:

| Month     | Date            | Meeting                                    | Venue                       |
|-----------|-----------------|--|-----------------------------|
| February  | Thu 2 Feb 2017  | Councillor Forum                           | Kaniva                      |
|           | Thu 16 Feb 2017 | Ordinary Council Meeting                   | Edenhope                    |
| March     | Thu 2 Mar 2017  | Councillor Forum                           | Edenhope                    |
|           | Thu 16 Mar 2017 | Ordinary Council Meeting                   | Kaniva                      |
| April     | Thu 6 Apr 2017  | Councillor Forum                           | Kaniva                      |
|           | Thu 20 Apr 2017 | Ordinary Council Meeting & Community Forum | Benayeo<br>(south WWSC)     |
| May       | Thu 4 May 2017  | Councillor Forum                           | Edenhope                    |
|           | Thu 18 May 2017 | Ordinary Council Meeting                   | Edenhope                    |
| June      | Thu 1 Jun 2017  | Councillor Forum                           | Kaniva                      |
|           | Thu 15 Jun 2017 | Ordinary Council Meeting                   | Kaniva                      |
| July      | Thu 6 Jul 2017  | Councillor Forum                           | Edenhope                    |
|           | Thu 20 Jul 2017 | Ordinary Council Meeting & Community Forum | Lillimur<br>(north WWSC)    |
| August    | Thu 3 Aug 2017  | Councillor Forum                           | Kaniva                      |
|           | Thu 17 Aug 2017 | Ordinary Council Meeting                   | Edenhope                    |
| September | Thu 7 Sep 2017  | Councillor Forum                           | Edenhope                    |
|           | Thu 21 Sep 2017 | Ordinary Council Meeting                   | Kaniva                      |
| October   | Thu 5 Oct 2017  | Councillor Forum                           | Kaniva                      |
|           | Thu 19 Oct 2017 | Ordinary Council Meeting & Community Forum | Nurcoungh<br>(central WWSC) |
| November  | Thu 2 Nov 2017  | Councillor Forum                           | Edenhope                    |
|           | Thu 2 Nov 2017  | Statutory Meeting                          | Edenhope                    |
|           | Thu 16 Nov 2017 | Ordinary Council Meeting                   | Edenhope                    |
| December  | Thu 7 Dec 2017  | Councillor Forum                           | Kaniva                      |
|           | Thu 21 Dec 2017 | Ordinary Council Meeting                   | Kaniva                      |



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### 9.0 APPOINTMENTS TO REGIONAL AND STATE BODIES

Council makes a series of appointments to regional and State bodies as detailed below. Councillors also sit on other State bodies as individuals, but usually receive Council endorsement.

It would be appropriate that Council representatives to these bodies be appointed. It would also be appropriate to nominate an alternative representative.

| REGIONAL / STATE BODY   | PREVIOUS REPRESENTATIVE/S            | PROPOSED REPRESENTATIVE 2016/2017 | ALTERNATE REPRESENTATIVE 2016/2017 |
|---|--------------------------------------|-----------------------------------|------------------------------------|
| Big Desert National Park Fire Control Committee                           | Cr Meyer<br>Alt: Cr Hawkins<br>GMIDW |                                   |                                    |
| Crabtree Estate   | Cr W Wait<br>Alt: Cr R Wait          |                                   |                                    |
| Douglas Mine Environment Review Committee                                 | Cr R Wait<br>Alt: Cr Jones           |                                   |                                    |
| Grampians Central West Waste and Resource Recovery Group – Forum Group    | Cr Jones<br>Alt: Cr W Wait           |                                   |                                    |
| Green Triangle Region Freight Action Plan Implementation Monitoring Group | Cr R Wait<br>Alt: Cr Jones<br>GMIDW  |                                   |                                    |
| Harrow RSL Hall Committee   | Cr R Wait<br>Alt: Cr W Wait<br>CEO   |                                   |                                    |
| Kaniva Community Sporting Complex   | Cr Meyer<br>Alt: Nil<br>GMCCS        |                                   |                                    |
| Little Desert National Park Fire Control Committee                        | Cr Hawkins<br>Alt: Cr Meyer<br>GMIDW |                                   |                                    |
| Municipal Association of Victoria (MAV)                                   | Mayor<br>Alt: Cr Hawkins             |                                   |                                    |
| Municipal Emergency Management Planning (MEMP) Committee                  | Cr Hawkins<br>Alt: Cr Jones<br>GMIDW |                                   |                                    |
| Municipal Fire Prevention Committee                                       | Cr Hawkins<br>Alt: Cr Jones<br>GMIDW |                                   |                                    |
| National Timber Councils Task Force                                       | Cr Meyer<br>Alt: Cr R Wait           |                                   |                                    |



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

|   |   |  |  |
|---|---|--|--|
| North West Municipalities Association                             | Mayor<br>Alt: Cr R Wait                                     |  |  |
| Primary Care Partnership  | GMCCS<br>Alt: Cr Jones                                      |  |  |
| Roadsafe Wimmera  | Cr R Wait<br>Alt: Cr Jones                                  |  |  |
| Rural Councils Victoria (RCV)                                     | Mayor<br>Alt: Cr Hawkins<br>CEO                             |  |  |
| Timber Towns Victoria (TTV)                                       | Cr R Wait<br>Alt: Cr Meyer                                  |  |  |
| West Wimmera Groundwater Management Area Implementation Committee | Cr W Wait<br>Alt: Cr Jones                                  |  |  |
| West Wimmera Landcare Network                                     | Cr Jones<br>Alt: Cr R Wait                                  |  |  |
| West Wimmera Shire Cemeteries Trust                               | All Councillors<br>Secretary: GMCCS                         |  |  |
| West Wimmera Shire Youth Council                                  | Kaniva: Cr Meyer<br>Goroke: Cr Jones<br>Edenhope: Cr R Wait |  |  |
| Western Highway Action Group                                      | Cr R Wait<br>Alt: Cr Hawkins<br>GMIDW                       |  |  |
| Wimmera Development Association (WDA)                             | Cr Hawkins<br>Alt: Cr Jones<br>CEO                          |  |  |
| Wimmera Mallee Regional Tourism Association                       | Cr R Wait<br>Alt: Cr Jones                                  |  |  |
| Wimmera Mallee Sustainability Alliance                            | Cr Jones<br>Alt: Cr R Wait                                  |  |  |
| Wimmera Regional Library Corporation                              | Cr Meyer<br>Alt: Cr W Wait<br>GMCCS                         |  |  |
| Wimmera Regional Transport Group                                  | Cr Hawkins<br>Alt: Cr R Wait<br>GMIDW                       |  |  |

### RECOMMENDATION:

**That the appointments of Council representatives to regional and State bodies, as detailed in the table above, be accepted and the relevant bodies be advised.**



## STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016 WEST WIMMERA SHIRE COUNCIL

### 10.0 AUDIT COMMITTEE (ADVISORY COMMITTEE) – SECTION 139 OF THE LOCAL GOVERNMENT ACT 1989

#### ***139. Audit Committee – (Extract LGA89)***

- (1) A Council must establish an audit committee.
- (2) An audit committee is an advisory committee
- (2A) The chairperson of an audit committee—
  - (a) must not be a Councillor; and
  - (b) must not be a member of Council staff; and
  - (c) must be suitably qualified.
- (3) An audit committee must be constituted in the prescribed manner.
- (4) An audit committee has the functions and responsibilities prescribed for the purposes of this section.
- (4A) Sections 76D, 79 and 81 apply to members of an audit committee as if they were members of a special committee of the Council.
- (5) The Minister may make guidelines for the purposes of this section.
- (6) Guidelines made under subsection (5) must be published in the Government Gazette.
- (6A) The chairperson may require any report prepared by the audit committee to be listed on the agenda for the next ordinary meeting of the Council.
- (7) A Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.

| AUDIT COMMITTEE         | PREVIOUS REPRESENTATIVES   | PROPOSED 2016/2017 REPRESENTATIVES |
|-------------------------|--|------------------------------------|
| Councillors             | Cr Meyer<br>Cr Hawkins<br>Observer: Cr R Wait                                  |                                    |
| Independent members     | Mr Geoff Price (Chair)<br>Ms Anne Champness<br>Ms Jessica Adler                |                                    |
| Council Officer contact | General Manager Corporate & Community Services (GMCCS)<br>Finance Manager (FM) |                                    |

#### **FOR DECISION**

#### **RECOMMENDATION:**

**That Council elect the representatives to the Statutory Audit Advisory Committee as detailed in the table above for 2016/2017.**



# **STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016** **WEST WIMMERA SHIRE COUNCIL**

## **11.0 APPOINTMENTS TO ADVISORY COMMITTEES**

| COMMITTEE   | PREVIOUS REPRESENTATIVES  | PROPOSED REPRESENTATIVES<br>2016/2017 |
|---|---|---------------------------------------|
| CEO Performance Planning Advisory Committee                     | All Councillors   | All Councillors                       |
| West Wimmera Shire Kaniva Recreation Reserve Advisory Committee | Cr Meyer<br>Alt: Nil<br>GMCCS<br><br>Community Members:<br>Kaniva Community Sporting Complex<br>Kaniva Cricket Club<br>Kaniva Hockey Club<br>Kaniva Leeor United Football Club<br>Kaniva Leeor United Netball Club<br>Kaniva Lions Club |                                       |
| West Wimmera Shire Sustainability Advisory Committee            | Cr W Wait<br>Cr Jones<br>GMIDW<br>Invitee: Lisa Oliver  |                                       |
| West Wimmera Shire Tourism Advisory Committee                   | Kelvin Moar<br>John Langen<br>Lyn Powell<br>Cindy Cross<br>Sue Close<br><br>Cr R Wait<br>GMCCS (ex officio / non-voting)  |                                       |

## **FOR DECISION**

### **RECOMMENDATION:**

**That Council elect the representatives to the above listed Advisory Committees as detailed in the table above.**



# **STATUTORY COUNCIL MEETING AGENDA – 10 NOVEMBER 2016** **WEST WIMMERA SHIRE COUNCIL**

## **12.0 APPOINTMENTS TO SPECIAL COMMITTEES PURSUANT TO SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989**

### **86. Special committees of the Council – extract LGA89**

- (1) *In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following—*
  - (a) *Councillors;*
  - (b) *Council staff;*
  - (c) *other persons;*
  - (d) *any combination of persons referred to in paragraphs (a), (b) and (c).*
- (2) *A Council may appoint members to a special committee and may at any time remove a member from a special committee.*
- (3) *Except as provided in subsection (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.*
- (4) *A Council cannot delegate to a committee the following powers—*
  - (a) *this power of delegation;*
  - (b) *to declare a rate or charge;*
  - (c) *to borrow money;*
  - (d) *to enter into contracts for an amount exceeding an amount previously determined by the Council;*
  - (e) *to incur any expenditure exceeding an amount previously determined by the Council;*
  - (f) *any prescribed power.*
- (5) *A Council may require a special Committee to report to the Council at intervals determined by the Council.*
- (6) *The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.*

| COMMITTEE  | PREVIOUS REPRESENTATIVES   | PROPOSED REPRESENTATIVES 2016/2017 |
|--|--|------------------------------------|
| <b>Economic Development Special Committee</b>          | All Councillors  |                                    |
| <b>Johnny Mullagh Cricket Centre Special Committee</b> | J D McGenniskin (President)<br>Geoffrey Carracher<br>Lou Edgar<br>James McGenniskin<br>Jane Craig<br>Paul Whyment<br>Toni Bennington<br>Georgie Leeming<br><br>Cr R Wait |                                    |



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| COMMITTEE  | PREVIOUS REPRESENTATIVES  | PROPOSED REPRESENTATIVES 2016/2017 |
|--|---|------------------------------------|
| <b>Kaniva Museum and Historical Collection Special Committee</b> | Noel Austin<br>Lyn Powell<br>John Wallis<br>Alison Moar<br>Wayne Rabone<br>Jenny Wallis<br>Barry Witnitz<br>Stephen MacFarlane<br>Wendy Meyer<br>Charlie Pretlove<br>Robyn Jewell<br>Harvey Champness<br>Don McFarlane<br><br>Cr Bruce Meyer<br>Council Officer (ex officio / non-voting) |                                    |

### FOR DECISION

### RECOMMENDATION:

**That Council nominate the listed Councillors and non-Councillors to the Special Committees as detailed in the table attached pursuant to Section 86 of the Local Government Act 1989.**

### MEETING CONCLUDED: