



# **CENTRAL COUNTRY ZONE MINUTES**

**Friday 27 April 2017  
via  
Teleconference**

**Commencing at 8.30am**

# Table of Contents

<b>1.0</b>	<b>OPENING AND WELCOME .....</b>	<b>2</b>
<b>2.0</b>	<b>ATTENDANCE AND APOLOGIES.....</b>	<b>2</b>
<b>3.0</b>	<b>DECLARATION OF INTEREST .....</b>	<b>3</b>
<b>4.0</b>	<b>ANNOUNCEMENTS.....</b>	<b>3</b>
<b>5.0</b>	<b>GUEST SPEAKERS .....</b>	<b>3</b>
<b>6.0</b>	<b>MINUTES.....</b>	<b>4</b>
6.1	Confirmation of Minutes – Friday 23 February 2018 (Attachment) .....	4
6.2	Business Arising from Minutes Zone Meeting Friday 23 February 2018 .....	4
<b>7.0</b>	<b>WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS.....</b>	<b>5</b>
7.1	State Councillor Report (Attachment).....	5
7.2	WALGA Status Report (Attachment) .....	5
7.3	Review of WALGA State Council Agenda - Matters for Decision .....	5
7.4	Review of WALGA State Council Agenda - Matters for Noting/Information .....	12
7.5	Review of WALGA State Council Agenda - Organisational Reports .....	12
7.6	Review of WALGA State Council Agenda - Policy Forum Reports .....	12
7.7	WALGA President’s Report (Attachment) .....	12
<b>8.0</b>	<b>FINANCE .....</b>	<b>14</b>
<b>9.0</b>	<b>ZONE REPORTS.....</b>	<b>14</b>
9.1	Zone President’s Report.....	14
9.2	Local Government Agricultural Freight Group (LGAFG) .....	14
9.3	Great Southern District Emergency Management Committee (DEMC) .....	14
9.4	Healthy Wheatbelt .....	14
9.5	Wheatbelt South Regional Road Group .....	14
<b>10.0</b>	<b>ZONE BUSINESS - MEMBER COUNCIL MATTERS.....</b>	<b>14</b>
<b>11.0</b>	<b>ZONE BUSINESS - OTHER BUSINESS/URGENT BUSINESS .....</b>	<b>14</b>
<b>12.0</b>	<b>ZONE BUSINESS - EMERGING ISSUES .....</b>	<b>14</b>
<b>13.0</b>	<b>MEMBERS OF PARLIAMENT .....</b>	<b>15</b>
<b>14.0</b>	<b>OTHER REPRESENTATIVES REPORTS.....</b>	<b>15</b>
14.1	Department of Local Government, Sport and Cultural Industries .....	15
14.2	Wheatbelt Development Commission.....	15
14.3	Regional Development Australia (RDA) Wheatbelt.....	15
<b>15.0</b>	<b>DATE, TIME AND PLACE OF NEXT MEETING .....</b>	<b>15</b>
<b>16.0</b>	<b>CLOSURE .....</b>	<b>15</b>

# Minutes

## Central Country Zone of WALGA

Friday 27 April 2017, commencing at 8.30am  
via Teleconference

### 1.0 OPENING AND WELCOME

The Zone Chair, Cr Conley opened the meeting at 8.30am welcoming all delegates to the teleconference.

### 2.0 ATTENDANCE AND APOLOGIES

#### Attendance

Cr Mark Conley (Chair)

Cr Dee Ridgway

Mr Stephen Gollan

Cr Katrina Crute

Cr Neil Walker

Ms Natalie Manton

Mr Gary Sherry

Mr Matthew Giffellon

Cr Barry West

Mr Noel Mason

Cr Jeanette De Landgraftt (joined the meeting at 8.42am)

Ms Denise Gobbart (joined the meeting at 8.42am)

President Leigh Ballard

Mr Aaron Cook

Cr Wayne Davies

Cr Brett McGuinness

Cr Jill McRae

Mr Graeme Fardon

Cr Phillip Blight

Cr Brendan Whitely (joined the meeting at 8.35am)

Cr Ian Turton (joined the meeting at 8.35am)

Ms Amanda O'Halloran (joined the meeting at 8.35am)

Ms Nicole Wasmann

Cr John Cowcher

Mr Geoff McKeown

President, Shire of Cuballing

President, Shire of Beverley

CEO, Shire of Beverley

President, Shire of Brookton

Deputy President, Shire of Brookton

CEO, Shire of Corrigin

CEO, Shire of Cuballing

CEO, Shire of Dumbleyung

President, Shire of Kulin

CEO, Shire of Kulin

President, Shire of Lake Grace

CEO, Shire of Lake Grace

President, Shire of Narrogin

CEO, Shire of Narrogin

President, Shire of Quairading

Deputy President, Shire of Quairading

Councillor, Shire of Quairading

CEO, Shire of Quairading

President, Shire of Wagin

President, Shire of Wandering

Councillor, Shire of Wandering

CEO, Shire of Wandering

CEO, Shire of West Arthur

President, Shire of Williams

CEO, Shire of Williams

Mr Bruce Wittber, Joint Executive Officer

#### WALGA Representatives

Mr Tony Brown, Executive Manager, Governance and Organisational Services

Ms Jo Burges, Executive Manager People and Place

#### Guests

Nil

## **Apologies**

Cr Chris Pepper, Deputy President Shire of Beverley  
Mr Ian D'Arcy, CEO Shire of Brookton  
Cr Lyn Baker, President Shire of Corrigin  
Cr Eliza Dowling, Deputy President Shire Cuballing  
Cr Rodney Duckworth, Deputy President Shire of Kulin  
Cr Tim Weise, Deputy President Shire of Narrogin  
Cr Bill Mulrone, President Shire of Pingelly  
Cr David Freebairn, Deputy President, Shire of Pingelly  
Mr Gavin Pollock, CEO Shire of Pingelly  
Cr Greg Ball, Councillor Shire of Wagin  
Mr Peter Webster, CEO Shire of Wagin  
Mr Brian Roderick, D/CEO Shire of Wagin  
Cr Ray Harrington OAM, President Shire of West Arthur  
Mr Mark Hook, CEO Shire of Wickepin

Ms Helen Westcott, Joint Executive Officer

### **3.0 DECLARATION OF INTEREST**

Nil

### **4.0 ANNOUNCEMENTS**

Nil

### **5.0 GUEST SPEAKERS**

Nil

## **6.0 MINUTES**

### **6.1 Confirmation of Minutes – Friday 23 February 2018 (Attachment)**

**RECOMMENDATION:**

That the Minutes of the Meeting of the Central Country Zone held on Friday 23 February 2018 be confirmed as a true and accurate record of the proceedings.

**RESOLUTION:                      Moved: Cr Walker                      Seconded: Cr McGuinness**

**That the Minutes of the Meeting of the Central Country Zone held on Friday 23 February 2018 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

### **6.2 Business Arising from Minutes Zone Meeting Friday 23 February 2018**

Nil

## **7.0 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS**

*Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council*

### **7.1 State Councillor Report (Attachment)**

Cr Phillip Blight

8.35am Cr Whitely, Cr Turton and Ms O'Halloran - Shire of Wandering joined the meeting

### **7.2 WALGA Status Report (Attachment)**

From Executive Officer

#### **BACKGROUND:**

Presenting the status report for April 2018.

#### **RECOMMENDATION:**

That the Central Country Zone notes the:

- State Councillor Report; and
- WALGA Status Report.

**RESOLUTION:** Moved: Cr Crute Seconded: Cr West

**That the Central Country Zone notes the:**

- State Councillor Report; and
- WALGA Status Report.

**CARRIED**

### **7.3 Review of WALGA State Council Agenda - Matters for Decision**

From Executive Officer

#### **Background:**

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The Zone is able to provide comment or submit an alternate recommendation that is then presented to the State Council for consideration.

#### **5.1 Submission to ERA – Inquiry into Business Licensing (05-100-04-0001 DM)**

##### **WALGA Recommendation**

That WALGA's submission to the Economic Regulation Authority Inquiry into Business Licensing be endorsed.

##### **EXECUTIVE OFFICER COMMENT:**

Given the limited feedback to WALA when it prepared the sector's response to the ERA's Inquiry Councils are encouraged to read and provide feedback on the draft report when it is released in September,

particularly around those issues identified by WALGA in its submission. To quote from the State Council Agenda, these issues included:

- *The need for consultation with Local Governments before transferring any additional regulatory responsibilities. In some cases additional support may need to be provided to the sector to undertake these roles, particularly for Local Governments with limited human or financial resources*
- *Local Governments are required to set fees and charges for licences that are established under State legislation, which may not be appropriate to recover costs. This creates inefficiencies as it provides inappropriate signals to consumers, and means that these licensing services are cross-subsidised by all ratepayers. It is appropriate that Local Governments have the freedom to set the level of their fees and charges.*
- *A risk-based approach to regulation is appropriate to ensure that the community is protected without creating an excessive compliance burden. The transition to a risk-based approach for licensing Local Government Waste Water Treatment Plants is an example of a successful regulatory reform that has streamlined the regulatory process without compromising community safety.*
- *Issues related to specific areas of regulation. In particular:*

#### *Planning*

- *The lack of cost recovery in fees and charges despite past reviews*
- *Scope to streamlining application processes*
- *The use of confusing language related to 'Development Approvals' which implies approval to commence, without regard to other approval that are required in relation to health, building and engineering.*
- *Rebutting claims that Local Government planning approvals is adding to the costs for developers, and in turn consumers*

#### *Building*

- *The lack of cost recovery in fees and charges despite past reviews*
- *Scope to streamline application processes for approvals, certificates and notifications*
- *Duplication issues for building permits for temporary structures*
- *Concerns that efforts to streamlining processes through the introduction of private certification for building permits failing to adequately protect the interests of consumers*

#### *Roads*

- *Concerns that the WA Utility Providers Code of Practice is not operating as an effective regulatory instrument in relation to the requirement to seek a permit to undertake works within the road reserve or work that will impact on movement of vehicles and pedestrians in the road reserve*

#### *Waste*

- *Concerns related to landfill licenses issued under the Environmental Protection Act Schedule 1 Prescribed Premises, including the timeliness of approvals; inconsistencies or unclear information; and lack of focus on risk.*

#### **ZONE COMMENT:**

Zone supports the WALGA recommendation

8.42am Cr De Landgraft and Ms Gobbart - Shire of Lake Grace joined the meeting

**5.2 Interim Submission – Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1 (05-073-02-0001 CH)**

**WALGA Recommendation**

That the interim submission to the WA Planning Commission on Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1 be endorsed.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.3 Interim Submission – State Planning Policy 4.1 Industrial Interface (05-047-03-0008 CH)**

**WALGA Recommendation**

That the interim submission to the WA Planning Commission on State Planning Policy 4.1 Industrial Interface be endorsed.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.4 Third Party Appeal Rights – Consultation with members (05-073-01-0002 VJ)**

**WALGA Recommendation**

That WALGA:

1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;
2. Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;
3. Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and
4. Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.

**EXECUTIVE OFFICER COMMENT:**

A number of Councils from the Central Country Zone provided feedback to WALGA. As such they might wish to provide additional comment to the meeting.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.5 Community Resource Centre Funding Cuts (05-018-03-0004 KD)**

**WALGA Recommendation**

That:

1. WALGA:
  - a. Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this may have to Local Governments; and
  - b. Considers previous review into the location and functionality of Community Resources Centres.
2. WALGA coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and



3. WALGA write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**RESOLUTION:**                      **Moved: Cr Davies**                      **Seconded: Cr Ridgway**

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**That the WALGA Recommendation be amended to read:**

**That:**

1. **WALGA:**
  - a. **Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this may have to Local Governments; and**
  - b. **Considers previous reviews, particularly the Report prepared in November 2016, by the John Curtin Institute of Public Policy for the Department of Regional Development titled “Diversity in place, Unity in service”, into the location and functionality of Community Resources Centres.**
2. **WALGA, as a high priority, coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and**
3. **WALGA, as a matter of urgency, write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities**

**CARRIED**

Footnote:

It was requested that WALGA contact Caroline Robinson from Wheatbelt Business Network to determine the current status of work being undertaken by that group.

**5.6 Interim Submission on Infrastructure WA (05-001-03-0018 MM)**

**WALGA Recommendation**

That the interim submission to the Department of Premier and Cabinet on the proposal for establishing Infrastructure WA as a statutory body under legislation be endorsed.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.7 Interim Submission on ‘Australia’s Strategy for Nature 2018 – 2030: Australia’s Biodiversity Conservation Strategy and Action Inventory (05-014-03-001MD)**

**WALGA Recommendation**

That WALGA’s interim submission to the Department of the Environment and Energy on ‘Australia’s Strategy for Nature 2018 – 2030: Australia’s Biodiversity Conservation Strategy and Action Inventory’ be endorsed.

**ZONE COMMENT:**

Zone supports the WALGA recommendation.

**5.8 Submission on the Emissions Reduction Fund Safeguard Mechanism (05-028-03-0016 LS)**

**WALGA Recommendation**

That the submission to the Department of the Environment and Energy (Cwth) relating to proposed changes to the Emissions Reduction Fund Safeguard Mechanism be endorsed.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.9 Surveillance Devices Act 1998 (WA) – Body Worn Camera use in Local Government Law Enforcement (05-067-09-0001 - LF)**

**WALGA Recommendation**

That WALGA advocate for amendment of Regulation 4 of the Surveillance Devices Regulations 1999 (WA) so that it includes Local Government 'Authorised Persons' as a class of Law Enforcement Officers for the purposes of the *Surveillance Devices Act 1988 (WA)*.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.10 Vexatious or Malicious Freedom of Information Applications (05-103-01-0001 - LF)**

**WALGA Recommendation**

That WALGA advocates for amendment of the *Freedom of Information Act 1992 (WA)* to:

1. Enable the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD); and
2. Enable an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.11 Social Media – Cyber Bullying (07-003-003-0004 - LF)**

**WALGA Recommendation**

That WALGA endorse a request to ALGA for its advocacy for changes to Commonwealth legislation to provide for implementing:

1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the *Enhancing Online Safety Act 2015 (Cth)*;
2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply;
3. A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.

**ZONE COMMENT:**

Zone supports the WALGA recommendation

**5.12 Proposed Amendments to the WALGA Constitution (01-001-01-0001)**

**WALGA Recommendation**

1. That Clause 18 and Clause 19 of the Association Constitution be amended as follows:
  - I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:
    - (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its

metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.

II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- ~~(3)~~ An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- ~~(4)~~ Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
- ~~(3)(5)~~ If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.
- ~~(4)(6)~~ A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause ~~4& 19~~ 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.

2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

#### 17A – Rotation of Presidency

1. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:

A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:

4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:

- (j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.

5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:

(2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:

I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.

II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words “Local Government Managers Australia (LGMA)” to be replaced with the words “Local Government Professionals Australia WA”.

III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words “Local Government Managers Australia (LGMA)” with the words “Local Government Professionals Australia WA”.

IV That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word “LGMA” with the words “Local Government Professionals Australia WA”.

Special Majority Decision Required.

#### **EXECUTIVE OFFICER COMMENT:**

Whilst the above changes to the WALGA Constitution should be supported, Member Councils might also wish to discuss the matter of State Council’s size.

Currently State Council has 24 State Councillors, one State Councillor for each WALGA Zone.

There is some thought that a review of membership on State Council should be undertaken.

#### **ZONE COMMENT:**

Zone supports the WALGA recommendation

#### **RECOMMENDATION:**

That the Central Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

**RESOLUTION:                      Moved: Cr McGuinness                      Seconded: Cr Ridgway**

**That the Central Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.**

**CARRIED**

## **7.4 Review of WALGA State Council Agenda - Matters for Noting/Information**

- 6.1 Review of the State Industrial Relations System – Update (05-034-01-0001 TL)
- 6.2 Local Government Performance Monitoring Project (05-036-04-0004 VJ)
- 6.3 Update on the Building Commission’s State Wide Cladding Audit (05-015-02-0010 VJ)
- 6.4 Public Libraries Strategy Consultation Forum (05-057-02-0051 EDR)
- 6.5 Aboriginal Heritage Act 1972 Review 05-032-01-0001 (KD)
- 6.6 Heritage Bill 2017 (05-036-03-022 NH)
- 6.7 Waste Levy Policy Review (05-037-04-0001RNB)
- 6.8 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

## **7.5 Review of WALGA State Council Agenda - Organisational Reports**

- 7.1 Key Activity Reports
  - 7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)
  - 7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)
  - 7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
  - 7.1.4 Report on Key Activities, Planning and Community Development (01-006-03-0014 WC)

## **7.6 Review of WALGA State Council Agenda - Policy Forum Reports**

- 7.2 Policy Forum Reports
  - 7.2.1 Mayors/Presidents Policy Forum
  - 7.2.2 Mining Community Policy Forum
  - 7.2.3 Container Deposit Legislation Policy Forum
  - 7.2.4 Freight Policy Forum

## **7.7 WALGA President’s Report (Attachment)**

Presenting the WALGA President’s Report

### **RECOMMENDATION:**

That the Central Country Zone notes the following reports contained in the WALGA State Council Agenda:

- Matters for noting/Information;
- Organisational reports;
- Policy Forum reports; and
- WALGA President’s Report.

**RESOLUTION:                    Moved: Cr De Landgraft                    Seconded: Cr McGuinness**

**That the Central Country Zone notes the following reports contained in the WALGA State Council Agenda:**

- **Matters for noting/Information;**
- **Organisational reports;**
- **Policy Forum reports; and**
- **WALGA President's Report**

**CARRIED**

## **8.0 FINANCE**

Nil

## **9.0 ZONE REPORTS**

### **9.1 Zone President's Report**

Cr Mark Conley

### **9.2 Local Government Agricultural Freight Group (LGAFG)**

Cr Katrina Crute

No report requested – matters related to the LGAFG will be considered at the next in-person meeting scheduled for Friday 25 May 2018.

### **9.3 Great Southern District Emergency Management Committee (DEMC)**

President Leigh Ballard

No report requested – matters related to the DEMC will be considered at the next in-person meeting scheduled for Friday 25 May 2018.

### **9.4 Healthy Wheatbelt**

Cr Lyn Baker  
Cr Mark Conley (Deputy)

No meetings of Healthy Wheatbelt have been held since the Zone last met.

### **9.5 Wheatbelt South Regional Road Group**

Cr Katrina Crute, Chair of Wheatbelt South Regional Road Group

It was noted that Cr Crute is now Chair of Wheatbelt South Regional Road Group

No report requested – matters related to the Regional Road Group will be considered at the next in-person meeting scheduled for Friday 25 May 2018.

## **10.0 ZONE BUSINESS - MEMBER COUNCIL MATTERS**

Nil

## **11.0 ZONE BUSINESS - OTHER BUSINESS/URGENT BUSINESS**

Nil

## **12.0 ZONE BUSINESS - EMERGING ISSUES**

*(The intent of the item is to enable Member Councils to bring to the attention of the delegates a matter that is developing. It is proposed that the matter will be tabled for discussion but not decision and then enable Member Councils to take the information away and consider an outcome for possible consideration at the next Zone meeting.)*

Nil

## 13.0 MEMBERS OF PARLIAMENT

Nil

## 14.0 OTHER REPRESENTATIVES REPORTS

### 14.1 Department of Local Government, Sport and Cultural Industries

Nil

### 14.2 Wheatbelt Development Commission

Nil

### 14.3 Regional Development Australia (RDA) Wheatbelt

Nil

## 15.0 DATE, TIME AND PLACE OF NEXT MEETING

Wednesday 9 May 2018 – Teleconference Meeting of the Central Country Zone Executive

Friday 25 May 2018 – Shire of West Arthur

## 16.0 CLOSURE

There being no further business the Chair declared the meeting closed at 9.24am

### DECLARATION

These minutes were confirmed by the Central Country Zone at the meeting held on Friday 25 May 2018

Signed \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed