



SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA

Tuesday 28 October 2025

5.30pm – Declaration of Newly Elected Members

The newly elected Councillors will be provided an opportunity to publicly sign a Declaration before assuming office as a Councillor for the Shire of Irwin in accordance with the provisions of the Local Government Act 1995.

6.00pm – Ordinary Council Meeting

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Irwin will be held in the Council Chambers, 11-13 Waldeck Street, Dongara at 6.00pm on Tuesday 28 October 2025.

Shane Ivers
CHIEF EXECUTIVE OFFICER
24 October 2025



AGENDA & BUSINESS PAPERS

Agenda Forums and Ordinary Council Meetings for 2025 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara.

DATES	
Agenda Forum - 5.00pm	Ordinary Council Meeting – 6.00pm
21 October	28 October
18 November	25 November
2 December	8 December (Monday)

Members of the public are always welcome to attend the Agenda Forums and Ordinary Council Meetings.

Disclaimer

The Shire of Irwin:

- advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by an Elected Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.
- expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Agenda Forums, Council or Committee Meetings.
- disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision in the audio recording. Council minutes provide the definitive record of Council's resolutions.

Nature of Council's Role in Decision Making

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws and local planning schemes.
Review	When Council reviews decisions made by Officers.
Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

By allocating these roles, the Shire ensures that the Council's decision-making is structured and aligned with its legal responsibilities, allowing it to effectively govern, serve its community, and maintain compliance with applicable laws.

Notes for Members of the Public

Meeting Formalities

Shire of Irwin Council Meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile phones are switched off and not used during any Shire meeting.

Members of the public are hereby advised that in line with Council Policy CP48 – Recording of Council Minutes, no person is to use any electronic, visual or audio recording device or instrument to record the proceedings of a Council Meeting without the written permission of the Council.

Audio Recordings

This Meeting will be audio recorded. The recording will be made publicly available on the Shire's website within ten (10) days of the meeting being held.

Council Meeting Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine specific subjects and then report to Council.
3. Generally, all meetings are open to the public. Occasionally Council will be required to deal with personal, legal and other sensitive matters and on these occasions, Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. **Public Question Time:** It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions, the period can be extended at the discretion of the Presiding Member. If presenting questions to Council please note the following, as guided by the *Shire of Irwin Meeting Procedures Local Law 2016*:
 - Public Question Time occurs early in the meeting so please arrive at least 5 minutes before the advertised meeting start time (Ordinary Meetings are scheduled for a **6.00pm** start, unless otherwise advised).
 - Record your full name and suburb of residence on the Attendance Form available in the public seating area.
 - When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the minute taker and those present.
 - Only questions can be addressed to Council, not statements.
 - A minimum of 15 minutes is allocated to Public Question Time. A member of the public has 2 minutes to submit a question.
 - You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
 - The Presiding Member may elect for written questions to be responded to as normal business correspondence.
 - The Presiding Member may decide that a question shall not be responded to where:
 - the same or similar question has been asked at a previous meeting and a response has already been provided;
 - a statement has been made and is not reformed into a question; or
 - a question is offensive or defamatory in nature and is not reformed into a question.
 - A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and a summary will be included in the agenda of the next Ordinary Meeting of Council.
 - Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request System.
 - At a Special Meeting of Council, only questions relating to the purpose of that meeting may be raised.
 - Should you wish to provide written questions prior to the meeting so that an appropriate response can be prepared, please submit them at least seventy-two (72) hours prior to the Council meeting at which you wish them to be presented.
5. Agendas for Ordinary Meetings of Council are available to the public from the Shire of Irwin Administration Centre or via the Shire's website www.irwin.wa.gov.au 72 hours prior to the meeting.
6. Public Inspection of Unconfirmed Minutes will be available for public inspection at the Shire of Irwin Administration Centre or via the Shire's website www.irwin.wa.gov.au within 10 working days after the Meeting.
7. The Shire of Irwin is a Class 3 Local Government. As such, and in line with Section 58 of the *Local Government Amendment Act 2023*, there is now a requirement that Council Meetings:
 - are to be audio recorded; and
 - the recording is to be published on the Shire's website within 14 days of the meeting taking place.
8. No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of any Shire of Irwin Council or Committee Meeting without the written permission of the Presiding Member/Chair.

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AGENDA
of the
ORDINARY COUNCIL MEETING
to be held
28 October 2025
Commencing at 6.00pm

Section 2.29 of the *Local Government Act 1995* requires a person who has been elected as a Councillor to make a declaration before acting in the office.

The declaration is to be made before a person whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

At 5.30pm, prior to the commencement of the meeting, Ms Robyn Parsons JP will perform the Swearing in Ceremony.

The election of the Shire President, Deputy Shire President and Seating Allocations will be conducted at the Special Council Meeting being held on Thursday 6 November 2025.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

In accordance with the provision of the *Local Government Act 1995*, the Chief Executive Officer will declare the meeting open and preside until the office of Shire President is filled.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor P Summers
Councillor J Melsom
Councillor A J Gillam

Newly Elected Members (To be Sworn In)

Councillor S Hansen
Councillor L Berecz
Councillor I Scott (Apology)
Councillor L Musulin (Apology)

Staff

Mr S D Ivers
Mr M Connell
Ms F Boksmati
Mr M Jones
Miss P Machaka
Mr M Antony
Ms S Mearns

Chief Executive Officer
Manager Development
Manager Community Services
Manager Operations
Manager Finance
Community Emergency Services Manager
Executive Assistant

Guests

Mrs Robyn Parsons JP

Apologies**Approved Leave of Absence****Gallery****3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Question 1: Gavin Farrell, 24 Retreat Boulevard, Port Denison

Between 'us' and the River, there is an expanse of Tamarisk trees and thick undergrowth – is the Shire responsible for maintaining and can something be done about it?

Response: The area between your property and the Irwin River forms part of the river's foreshore reserve and is classified as native riparian vegetation. While a small number of Tamarix aphylla (Athel Pine) are present, these are not the dominant species, and the broader vegetation is predominantly native. Although Tamarix aphylla is a Declared Pest in Western Australia, the clearing of native vegetation along waterways is not permitted without formal approval under the Environmental Protection Act 1986. This vegetation provides important ecological functions such as erosion control, habitat, and water quality protection. The Shire therefore has no authority to undertake broadscale clearing of this area. However, selective management of isolated Tamarisk trees may be considered in line with the Irwin River Estuary Management Plan and advice from the Department of Water and Environmental Regulation.

Question 2: Bev Brindal, 4 Retreat Boulevard, Port Denison

What is the mowing regime for all of the Retreat area and could it be upgraded in the winter time to every two weeks?

Response: The verge mowing schedule for the Retreat area is programmed on a six-week rotation during the winter months. During summer, this may be extended due to slower grass growth; however, the area is monitored weekly to assess maintenance needs. Retreat Park operates on a separate mowing schedule, typically every two weeks. This frequency is subject to change depending on the availability of staff and the timely completion of other scheduled works. The winter period is the busiest time of year for the Parks and Gardens team, making it challenging to commit to a fortnightly mowing schedule for a single area, given the number of locations that require regular maintenance.

Question 3: John Rossiter, 181 Point Leander Drive, Port Denison

Mr Rossiter expressed concern that the responses provided to his previous questions did not address the matters to his satisfaction and sought clarification on how Council determines its responses to public questions.

Response: The Shire President thanked Mr Rossiter for his question and ongoing participation in Council meetings. All public questions are considered and responded to based on the information available at the time, relevant legislation, Council policies, and operational procedures. While community members may not always agree with the responses provided, Council endeavours to ensure that all answers are factual, respectful, and provided in the spirit of transparency and accountability.

Question 4: John Rossiter, 181 Point Leander Drive, Port Denison

Why is the playground yellow spinning ball item still not spinning.

Response: We can confirm that the bearings in this piece of equipment continually fill with sand during regular use, especially while children are playing on it. This causes the mechanism to seize up over time, which is why it is currently not spinning properly. As part of the planned foreshore redevelopment, this piece of play equipment is scheduled to be

replaced. We appreciate your patience and understanding while we work towards these improvements.

Question 5: John Rossiter, 181 Point Leander Drive, Port Denison
Who is living in unit No 2 at the 'Village'?

Response: Unit 2 at The Village is currently vacant.

Question 6: John Rossiter, 181 Point Leander Drive, Port Denison
Are units 1-4 at The Village being removed from the inventory of pensioner units?

Response: Units 1–4 at The Village were previously included in the joint venture agreement between the Shire of Irwin and the Department of Communities. These units have recently been released from that agreement. As the land forms part of a Crown-managed reserve, the future use of the units requires careful consideration. A report will be presented to Council in the coming months outlining options for their ongoing management and potential future use, which may include accommodation for aged residents, staff housing, or open market rental.

Question 7: John Rossiter, 181 Point Leander Drive, Port Denison
How much was realised from Kennedy Heights Duplex sale?

Response: The Statement of Financial Activity for the period ended 30 June 2021 shows that the sale of the Kennedy Heights duplex generated proceeds of \$410,000.

Question 8: Tim Smith, 128 Northshore Drive, Dongara – Received via email
After watching the recent 4 Corners program, Lawfare (broadcast on 18/08/2025), there exists the threat of single issue protagonists (ie; sovereign citizens) using low voter turnout at council elections to mobilize a minority takeover of shire councils across Australia. As a measure to improve accountability, generate greater voter interest, and prevent single issue disrupters asserting control of council, will council consider video recording, and/or live-streaming, of monthly meetings & post it on a suitable streaming service for public viewing?

Response: Thank you for your question regarding the video recording or live-streaming of Council meetings. In accordance with the Local Government (Administration) Regulations 1996, the Shire makes an audio recording of all Council meetings open to the public, which is published on the Shire's website within ten (10) days of the meeting.

While there is currently no legislative requirement for video recording or live-streaming, the Shire considers its existing practices to provide an appropriate level of transparency and public access. Council may consider video recording or live-streaming in the future should legislative requirements or community expectations change.

Question 9: Tim Smith, 128 Northshore Drive, Dongara – Received via email
Last Saturday I had the opportunity to volunteer at the Dongara Denison Drive In. There was a small turnout. In order to preserve the iconic drive in cinema will the Council consider its use as a camping ground to enable greater exposure of the facility and improved patronage of the kiosk?

Response: Thank you for your suggestion regarding the potential use of the Dongara Denison Drive-In as a camping ground to increase exposure and support kiosk patronage. While Council recognises the importance of preserving and promoting this iconic facility, any change of use would require careful consideration, including the potential impact on existing accommodation providers such as the three caravan parks operating in Dongara Port Denison. The Shire currently provides overflow and overnight RV parking options for visitors, which assists in meeting demand without adversely affecting established businesses. Your suggestion will be noted for future consideration in discussions on the ongoing use and sustainability of the Drive-In facility.

4. PUBLIC QUESTION TIME**5. DECLARATIONS OF INTEREST****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. PETITIONS AND DEPUTATIONS****8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES****8.1 Minutes of the Ordinary Council Meeting held 30 September 2025**

The Minutes of the Ordinary Council Meeting held 30 September 2025 are included in the *Attachment Booklet – October 2025*.

RECOMMENDED:

That Council confirms the Minutes of the Ordinary Council Meeting held 30 September 2025.

8.2 Agenda Forum Notes – 21 October 2025

At the Agenda Forum held 21 October 2025, Shire Officers presented background information and answered questions on items to be considered at the October 2025 Ordinary Council Meeting.

Notes from the Agenda Forum are included in the *Attachment Booklet – October 2025*.

RECOMMENDED:

That Council confirms the Notes of the Agenda Forum held 21 October 2025.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS OF OFFICERS AND COMMITTEES

13.1 Finance Reports

FIN 01-10/25 Accounts for Payment - September 2025	
Author:	S Clarkson, Senior Finance Officer
Responsible Officer:	P Machaka, Manager Finance
File Reference:	2.0057
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to receive the list of accounts paid under delegated authority during September 2025.

Officer Recommendation:

RECOMMENDED:	
That Council, by Simple Majority, receives the Accounts paid during September 2025 as contained in FIN01-10/25 Attachment 1 of the Attachment Booklet – October 2025 represented by:	
Payment Type/Numbers	Total Amount
EFT 33949 – 34105	\$694,695.01
Muni Cheques – 32250 – 32252	\$6,482.80
Direct Debit – Telstra	\$5,278.60
Direct Debit – WA Treasury Corporation	\$34,472.51
Direct Debit – Credit Card	\$19,954.00
Direct Debit – N-Able Pty Ltd	\$2,331.38
Direct Debit – Australian Phone Company	\$225.23
Direct Debit – Telair Pty Ltd	\$2,883.23
Direct Debit – Insurance Premium Repayments	\$95,786.58
Direct Debit – Vestone Capital Pty Ltd	\$10,554.20
Direct Debit – Superannuation	\$58,932.36
Grand Total	\$931,595.90

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2025.

Officer's Comment:

Changes to the format of the list of payments has been made to be aligned with Section 13(1) of the Local Government (Financial Management) Regulations.

Consultation:

Nil

Statutory Environment:

The *Local Government (Financial Management) Regulations 1996* provides as follows:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:

Nil

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – October 2025

FIN01-10/25 Attachment 1: Accounts for Payment – September 2025

FIN02 -10/25 Monthly Financial Statements - August 2025	
Author:	P Machaka, Manager Finance
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	2.0057
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2025 to 31 August 2025.

Officer Recommendation:

RECOMMENDED:
That Council, by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2025 to 31 August 2025 as contained in FIN02 10/25 Attachment 1 of the Attachment Booklet – October 2025.

Background:

The Monthly Financial Statements to 31 August 2025 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

- Statement of Financial Activity by Nature
- Statement of Financial Position
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer's Comment:

The draft financial position to the end of August 2025 is detailed in the attached report and summarised as per below:

31/08/2025		YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue		8,346,682	8,746,400	5%
Operating Expenditure		(2,373,409)	(1,277,266)	-46%
Net Operating		5,973,273	7,469,134	
Non-Operating Revenue		0	0	
Non-Operating Expenditure		(273,866)	(140,009)	-49%
Net Non-Operating		(273,866)	(140,009)	
Cash at Bank			57,566	
Cash at Bank Restricted			622,506	
Reserve Bank			1,035,817	
Total Cash Funds			1,715,889	

Consultation:

Nil

Statutory Environment:*Local Government Act 1995*

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

- *Section 34 Financial activity statement report provides as follows:*

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing -*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity must be shown according to the nature classification.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
 - (a) *presented to the council - at an ordinary meeting of the council within 2 months after the end of month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Policy Implications:

Nil

Financial/Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month or at budget review.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet –October 2025

FIN02-10/25 Attachment 1: Financial Statements for the Period Ended 31 August 2025.

13.2 Development Reports

DEV 01-10/25 September 2025 Development Delegated and Authorised Authority Report	
Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00125
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to receive the September 2025 Development Delegated and Authorised Authority Report.

Officer Recommendation:

RECOMMENDED:
That Council by Simple Majority, receives the September 2025 Development Delegated and Authorised Authority Report, as contained in DEV 01-10/25 Attachment 1.

Background:

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire.

The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

In addition, as of 1 July 2024, the determination of development applications for single houses or any development associated with a single house (excluding development associated with a heritage place), can now only be done by the CEO or authorised employees of the local government.

Officer's Comment:

This report presents the details of development functions made under delegated or authorised authority for the month of September 2025, with 6 building permits/certificates, 6 single house applications and 2 applications for development approval having been issued.

Consultation:

Nil.

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – October 2025

DEV 01-10/25 Attachment 1: September 2025 Development Delegated and Authorised Authority Report

13.3 Community Services Reports

13.4 Operations Reports

13.5 Office of the CEO Reports

13.6 Committee Reports

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

14. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

15. CLOSURE