Shire of Perenjori

SEPTEMBER

Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on

15th September 2011 commencing at 1.30pm

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11091 PRELIMINARIES

11091.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
President Chris King opened the meeting at 1.37pm.

11091.2 OPENING PRAYER
Cr Graeme Reid led council in the opening prayer

11091.3 DISCLAIMER READING

11091.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:
Cr Chris R King
Cr Laurie C Butler
Cr Graeme K Reid
Cr Jenny H Hirsch
Cr Rodney P Desmond
Cr Robyn A Benton
Cr John R Cunningham
Stan Scott – Chief Executive Officer
Doug Stead – Deputy Chief Executive Officer
Kimberley Wheeler – Executive Assistant

Apologies:
Cr Cathy M Johnston

11091.5 PUBLIC QUESTION TIME
Nil

11091.6 PETITIONS / DEPUTATIONS / PRESENTATIONS
Nil

11091.7 NOTATIONS OF INTEREST
Financial Interest – Local Government Act s 5.60A
Proximity Interest – Local Government Act s 5.60B
Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.
Nil

11091.8 APPLICATIONS FOR LEAVE OF ABSENCE
Nil
11091.9 CONFIRMATION OF MINUTES

Minutes of Ordinary Council meeting held 18th August 2011 are attached.

COUNCIL RESOLUTION

Moved: Cr JR Cunningham Seconded: Cr RP Desmond

That the minutes of Ordinary Council Meeting held on the 18th August 2011 be accepted as a true and accurate record.

Carried: 7/0

11091.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Cr Chris King announced that at the conclusion of the meeting the CEO Stan Scott will be providing a CEO’s Report.

11091.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
11092 FINANCE

11092.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY

APPLICANT: DEPUTY CEO
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: GYPsie DOUGLaS- SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER DOUG STEAd - DCEO
REPORT DATE: 8th SEPTEMBER 2011
ATTACHMENTS AUGUST FINANCIAL ACTIVITY REPORTS

Executive Summary:
As required by the Local Government Act and Financial Management Regulations a Monthly Statement of Financial Activity is required to be presented to each monthly meeting. This statement is used with Councils adopted 10% variance or $5000 figure which was adopted by Council at its July meeting. A report detailing the variances is also included.

Other Financial statements are also attached as per the Finance Committee preferences.

Statutory Environment: N/A
Policy Implications: N/A
Financial Implications: N/A
Strategic Implications: N/A
Consultation: N/A
UHF Haines Norton

Voting Requirements: Simple Majority

Officers Recommendation:

1. Statement of Financial Activity
That the Statement of Financial Activity for the period ended 31st August 2011 including report on variances be accepted as presented.

2. Finance Report
That the Finance Report for the period ended 31st August 2011 be accepted as presented.
3. **Acquisition of Assets**
That the Acquisition of Assets Report for the period ended 31<sup>st</sup> August 2011 with a balance of $216,673.00 as presented be received.

4. **Reserves Report**
That the Reserves Report for the period ended 31<sup>st</sup> August 2011 with a balance of $923,610.00 as presented be received.

5. **Net Current Assets**
That the Net Current Assets report for the period ended 31<sup>st</sup> August 2011 with a balance of $681,738.00 as presented be received.

6. **Bank Reconciliation's**
That the balances of the Municipal Fund of $887,674.76 and the Trust Fund of $39,830.37 as at 31<sup>st</sup> August 2011 as presented be received.

7. **Sundry Creditors Report**
That the Sundry Creditors Report for the period ended 31<sup>st</sup> August 2011 with a balance of $202,727.95 as presented be received.

8. **Sundry Debtors Report**
That the Sundry Debtors Report for the period ended 31<sup>st</sup> August 2011 with a balance of $130,367.62 as presented be received.

9. **Accounts for Payment**
That the Accounts paid from the Municipal Account consisting of Cheque Numbers 17987 - 18001 and EFT Numbers 2905 - 2968 for $514,128.38 and the Trust Account consisting of Cheque Numbers 815 – 817 and EFT Numbers 2913 – 2960 for $2,373.66 for the period ended 31<sup>st</sup> August 2011 as presented be accepted.

10. **Rates Outstanding**
That the Rates Outstanding Report for the period ended 31<sup>st</sup> August 2011 as presented be received.

**COUNCIL RESOLUTION**

Moved: Cr RP Desmond 
Seconded: Cr JR Cunningham

That items 1-10 of the Monthly statement of the Financial Activity Report be accepted as a true and accurate record.

Carried: 7/0
Executive Summary:

A new Building Act was passed on 23 June 2011 and will come into operation from 31 October 2011 with a proposed phased implementation over a period of 12 months.

The new Building Act has been developed to replace the Building Regulations 1989 and parts of the Local Government (Miscellaneous Provisions) Act 1960. The Building Act 2011 covers all building and the whole State of Western Australia, it introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process.

This report has been prepared to provide Councillors with an overview of the changes that are proposed in the new Building Act and also to seek its approval for a number of actions that the Shire needs to implement in order to ensure that the Building Section can continue to operate under the provisions of new Act to as close to the same extent as it currently does under the existing Act, including amendments to the schedule of fees and charges

Applicants Submission:

Background:

The Government has undertaken a Building Regulation Reform package that is planned to deliver the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government Act of 1960, and reflects the way buildings were designed in the 1950's, relying on builders registered under the Builders' Registration Act 1939. Building policy and legislation has been fragmented between local and state government departments since then, with practitioner registration managed by individual boards. Reviews of building regulations undertaken by the former Housing
and Works and Consumer Protection portfolios recommended that the legislation be updated to reflect modern building practices in Western Australia. Reviews also suggested that the legislation be managed in one place, by a single entity, and as a result the Building Commission was established.

The Building Commission was established as a division of the Department of Commerce in July 2009 and brings together building practitioner registration, building standards, complaints processes and building policy and is leading the implementation of the Government's Building Regulation Reform package which comprises the following bills:

- The Building Services (Complaint Resolution and Administration) Act
- The Building Services (Registration) Act
- The Building Services Levy Act, and
- The Building Act

This new legislation abolishes the Builders' Registration Board, the Painters' Registration Board, the Building Surveyors Qualifications Committee and the Building Disputes Tribunal and replaces them with a more streamlined and integrated system.

The Building Act, which has the most significant impact for Local Government was passed on 23 June 2011 and is planned to come into operation from 31 October 2011 with a proposed phased implementation over 12 months.

The new Building Act has been developed to replace the Building Regulations 1989 and parts of the Local Government (Miscellaneous Provisions) Act 1960. The Building Act 2011 covers all building and the whole State of Western Australia, it introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process, including:

- Whole of state coverage;
- All buildings to be covered, including those owned by the Crown;
- Giving a clearer definition of what constitutes a building and clear exemptions from the building permit process;
- Nominating Permit Authorities - confirms local government's role issuing building permits, also enables State Government or special permit authorities are able to issue building and occupancy permits and to enforce building control;
- Enables private registered building surveyors to certify design compliance;
- Introducing separate and streamlined processes for approving domestic and commercial buildings;
- Retaining the option for owners to use the current local government combined certification and permit issuing function for residential construction houses and minor building work (class 1 and 10);
- Taking a risk-based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner-builders;
- Providing a clear end-point to the construction process, and certification that the building complies with the building permit issued;
- Registering a wider range of industry practitioners to certify compliance;
- Implementing a nationally agreed accreditation framework for building surveyors; and
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The desired outcome of these reforms is intended to be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

These reforms are likely to have a significant impact on the operation of the Shire however these impacts are likely to occur over a 12-24 month period.

**Statutory Environment:**

The Building Act sets up a different framework to the approvals process for building work than what was previously provided in the Local Government (Miscellaneous Provisions) Act. The Building Commission has produced a “Guide for Local Government Permit Authorities in Western Australia” which outlines the changes to the approvals process as well as the many other changes.

The minimum functions that Local Governments are required to perform under the Building Act include:
- Issue prescribed permits (Permit Authority)
- Ensure building works within its district achieve statutory compliance,
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds & patios etc)

The key change to the building approvals system is the introduction of the ability to have the building design certified by a building surveyor who no longer needs to be an employee of the local government within which district the building is proposed to be built.

Currently if someone undertakes building work within the district of the Shire, they have only one way to obtain a building permit and that is by submitting an application for building licence to the Shire. An appropriately qualified Building Surveyor employed by the Shire would then assesses the application and once satisfied that the application satisfies the relevant legislation, a building licence can then be issued.

Under the proposed system, a person who is planning to build, can seek the services of any qualified Building Surveyor who may be employed by the Shire, or a Private Building Surveyor or who may be employed by another local government or other agency. The Building Surveyor would then issue what is now to be called a “Certificate of Design Compliance”, (CDC). Once the owner or builder has obtained the CDC, they may then submit an application for a Building Permit that must include the CDC together with the necessary plans and specifications to the Local
Government who then have 14 days in which to issue the “Building Permit”. The diagram below provides a summary of the new process.

While Local Governments only have to provide the minimum services specified above, they may also be able to consider providing other services and be able to charge a fee to recover the cost of those services. Before doing so, local governments will need to ensure they do not breach the provisions of the Local Government Act and other legislation such as the National Competition Policy. These other services might include:

- Provide Certificate of Design Compliance, (Certification Services for all classes of buildings)
- Provide Certificate of Construction Compliance, (Inspection and Certification of various portions of a building during construction work that is within the scope of skills and qualifications available)
- Provide Certificate of Building Compliance, (coordinate, inspect and certify that a completed building is compliant)

Shire Staff belief that to begin with it should endeavour to maintain the services to at least an equivalent level to that currently provided, but at the same time position itself to be able to either extend or contract that business over time (likely over the 2 years) as the development industry come to understand the systems provided by the Building Act.

In order to do this, there are two possible options provided under the Local Government Act that may be considered which include, the set up of a “business unit” under s3.59 of the Local Government Act or merely add it to the current service the local government provides, (an “adjusted services model”) as set out by s3.18 of the Local Government Act. The Shire staff are concerned that there may be some legal issues with both systems and will continue to seek surety from the Building
Commission, Department of Local Government and if necessary, its own legal advice before commencing such operation.

There seems to be a view that little will change in the first 12-24 months as the building industry gains an understanding of the new system. At some point beyond 12 months we believe that competition will become quite aggressive as new businesses (private certifiers) claim their place.

It is likely that initially large projects will be sought after by the private certification industry in order to be profitable, and with time, residential buildings will be picked up by the private sector. Residential buildings are currently the Shire’s primary business, with 70 – 80% of income currently derived from this source, so if this portion of the work was to be picked up by private certifiers, it would have a significant impact on the income of the Shire’s Building Surveyor. The model and fee structure proposed by the Building Act does not appear to serve the project home market that well, and so it is anticipated that most residential applications will continue to be processed by local Governments unless regulatory changes are made. In any event, the Shire will ensure that it sets a fee structure for residential building work within Shire at the same rate as it is under the current Act to ensure as simple a transition as possible.

The Building Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not associated with the building owner. This means that State Buildings must be certified by a building surveyor who is not employed by the state, and also means that a building development proposed by a local government will no longer be able to be certified by the local government building surveyor. This means that we will now need to seek this certification externally from a private certifier or other permit authority. Local Governments will still need to issue a permit.

**Delegations**

The Shire currently has the following delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960:

- Determination of Application for Building Licence and Building Approval Certificates
- Classification of Buildings
- Demolition Licences

With the full introduction of the Building Act 2011, the above delegations will become redundant in that the head of power will shift from the Local Government (Miscellaneous Provisions) Act 1960 to the Building act 2011.

New delegations are therefore needed under the Building Act 2011. Given the relevant provisions relating to delegations under the Building Act 2011 have not come into operation, the functions of the new delegations cannot be performed by officers until such time as the relevant provisions are proclaimed. It is therefore
proposed that officers continue to perform such functions in accordance with existing
deleagations with Council adopting the new delegations to be implemented at such
future time as these provisions are proclaimed. The ability to do this is referred to

Section 127 of the Building Act 2011 enables local governments the ability to
delegate any powers or duties to an employee.

Council is requested to approve the following new delegations as provided under the
following sections of the Building Act:

- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider Extending the period of duration of an Occupancy permit or a Building
  approval Certificate.
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

**Authorisations**

The Shire currently has one Authorisation under the Local Government
(Miscellaneous Provisions) Act 1960, which provides Authority for its Building
Surveyor to inspect private swimming pools within the Shire.

With the introduction of the Building Act 2011, existing authorisations will not be
affected, however additional authorisations are needed for Officers to carry out the
relevant provisions under the Building Act 2011. Given these relevant provisions
have not yet come into operation, the new authorisations cannot be undertaken by
officers until such time as this occurs. It is therefore proposed that Council appoint
an authorised officer and adopt the new authorisations to be implemented at such
future time as the relevant provisions of the Building Act are proclaimed.

Under s.96 of the Building Act 2011, permit authorities (local governments) may also
designate employees as authorised persons.

The following new authorisations are therefore proposed under different sections of
the Building Act:

- s100 - Entry Powers
- s101 - Powers after entry for compliance
- s102 - Obtaining information and documents
- s103 - Use of force and assistance
- s106 - Apply for an entry warrant
Revisions to Schedule of Fees and charges

Most of the fee changes are statutory changes that will be set by the proposed new Building Regulations to be adopted under the Building Act. These proposed statutory fees have been published in draft by the Building Commission to assist the Building Industry prepare for the implementation of the Act. These fees have been marked with a # on the attached proposed schedule of fees and charges, and since the regulations are only in draft may change, and will be revised on the Shire’s Schedule of Fee’s and Charges accordingly.

Comments have been added against the other fee changes in the attached Schedule to provide explanation for their inclusion. Because of the implications of s3.18 of the Local Government Act, the proposed new fees have to be based on cost recovery only of the services that can be provided and as such are based on the fee’s set under the Current Local Government (Miscellaneous Provisions) Act. Where a new service is proposed, it has been based on an hourly rate of the Shire’s costs to employ an appropriately qualified person, including overheads.

Policy Implications:

Financial Implications: Nil
Strategic Implications:
Depends on the future acceptance of the new Building Act

Economic Implications
It is expected that over time, the income generated within the Building Services will decrease relative to the level of building work conducted within the Shire. It is difficult to determine the staffing needs at this point given the lack of Regulations and response to the new provisions by the development industry and this will need to be carefully managed. It is likely, based on what has occurred in other states that have implemented similar Acts, that the number of staff within the building section may also decrease to what has been required under the current Act, again relative to the volume of building work within the Shire.

Consultation: Nil

Comment:
The Building approval process in Western Australia is about to undergo significant change. The changes have been talked about for many years however the Building Act has now been passed by the Government in June 2011 and is set to commence operation on 31 October 2011. The Regulations supporting this Act, (at the point of preparing this report) have not been released and are expected to be introduced at the beginning of October 2011 which has made it difficult to determine the full impact on Local Government. While this Act has been on the table for the last 20 years or
so, the introduction of the current version of the Act and supplementary guidance information has been very quick. The speed with which it has been implemented and the lack of supporting information such as the Regulations, has made it difficult to prepare this report in a timely fashion as we are still endeavouring to understand the full implications of the Building Act for Local Government.

One of the key factors of the new Building Act for Local Governments is that it enables privatisation of the Building Surveying function that was previously provided by Local Government. It is now open to competition from private approval providers which a relatively new industry in WA, though has been established in other states for some time. It is expected however, that in a short period of time this industry will grow rapidly and will have a greater impact on Local Government's ability to attract and retain suitably qualified personnel to undertake its statutory responsibilities, as well as have some expected impact in respect to income previously generated by Building applications as a greater percentage of these will be picked up by private certifiers.

Conclusion:
Council are advised to consider the implications the Building Act 2011 will have on the Shire and support the directions the Shire proposing in this report.

Council are also requested to approve the new delegations needed to ensure that business can operate in the same manner that it currently does under the current Local Government (Miscellaneous Provisions) Act, and also to adopt the changes to the Schedule of Fees and Charges.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That Council:

1. Receive this report
2. Support the directions set out in this report
3. Revoke delegations shown in Attachment 1 and adopt new delegations as shown in Attachment 2 at such future time as the relevant provisions of the Building Act 2011 is proclaimed;
4. Council adopts the new authorisations and appoint the relevant position to these authorisations as ‘Authorised Officers’ in accordance with s96 of the Building Act 2011 and as set out in Attachment 3.
5. Approve the attached Schedule of Fees and Charges to be implemented at the commencement of the Building Act 2011.
COUNCIL RESOLUTION

Moved: Cr JH Hirsch  
Seconded: Cr RP Desmond

That Council:

1. Receive this report
2. Support the directions set out in this report
3. Revoke delegations shown in Attachment 1 and adopt new delegations as shown in Attachment 2 at such future time as the relevant provisions of the Building Act 2011 is proclaimed;
4. Council adopts the new authorisations and appoint the relevant position to these authorisations as ‘Authorised Officers’ in accordance with s96 of the Building Act 2011 and as set out in Attachment 3.
5. Approve the attached Schedule of Fees and Charges to be implemented at the commencement of the Building Act 2011

Carried: 7/0
11094 PLANT & WORKS

11094.1 ROAD MAINTENANCE AUGUST 11

APPLICANT: KEN MARKHAM – WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 5th September 11
ATTACHMENTS MAP

Executive Summary:
Listed are the roads graded for the month of August.

Applicants Submission:
Bunjil Nth East rd Caffins rd
Spencer rd Muriels Lane rd
Otte rd Coorow Maya rd
Chapman rd Maya Sth West rd
Tremlett rd Bryant rd
Benton rd Carmicheal rd
Rowe rd Jackson rd
Forte rd

Background:

Statutory Environment:
Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

Policy Implications: Nil

Financial Implications:
As per Council’s Road Maintenance Budget

Strategic Implications:
To maintain roads to a standard

Consultation: Nil
Comment: Nil
Voting Requirements: Nil
Officers Recommendation: Nil
11094.2 QUOTATIONS FOR NEW TRACTOR

APPLICANT: KEN MARKHAM – WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 5TH SEPT 11
ATTACHMENTS Quotes and brochures

Executive Summary:
Three quotations have been received for the replacement of the old Ford/New Holland tractor that the Shire uses to tow slashers, road brooms and gangmowers with.

The quotes were from McIntosh & Sons, Purchers and Bindoon Tractors.

Applicants Submission:
The new tractor is to replace the old one which will be relocated to the Latham Golf club for their use on the course.

Three quotes have been received and they include a bucket attachment to make the tractor more versatile. The plant replacement budget is at $75,000.

The quotes from Purcher are for two machines.
1. Case Quantum 95C-4WD $72,727 plus GST
2. Case JXU 95 4WD $71,315 plus GST

The quotes from McIntosh & Son is for two machines
1. N/H T5040 tractor $69,900
2. N/H TD 80 $65,000

The quote from Bindoon Tractors was for one machine.
Kubota M8540 DHC tractor $68,722 plus GST

Background:
Statutory Environment:
Local Government Act 1995 S3.1 – the general function of Local Government is to Provide for the good government of people in its district.

Policy Implications: Nil

Financial Implications:
Budget of $75,000

Strategic Implications:
Consultation: Nil
Comment: Nil
Voting Requirements: Simple Majority

Committee Recommendation:
That Council purchase the New Holland T5040 tractor and bucket for $69,900 + gst from McIntosh and Sons.

COUNCIL RESOLUTION
Moved: Cr LC Butler  Seconded: Cr JR Cunningham
That Council purchase the New Holland T5040 tractor and bucket for $69,900 + gst from McIntosh and Sons
Carried: 7/0
Executive Summary:
Several staff movements have resulted in the Shire advertising for employees.
Several applications were received and interviews were carried out. Four successful applicants have been offered positions. They will be starting with the Shire over the next few weeks once paperwork and housing have been sorted.

Applicants Submission:
With one employee going onto the Main Roads contract, and four others leaving, it left us short on various staff.
We require 2 truck drivers, 1 loader operator and a gardener.
The successful employees have varying degrees of experience and some extensive training will needed to be carried out to bring them all up to speed.

Background:
Statutory Environment:
Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

Policy Implications: Nil
Financial Implications:
Strategic Implications:
Consultation:
Comment: Nil
Voting Requirements:
Officers Recommendation:
For information only
Executive Summary:

Mine Trades and Maintenance has offered to purchase Lot 159 England Crescent for the price at last valuation.

Applicants Submission:

Lot 159 England Crescent was originally earmarked for the aquaculture project, but that will now be included in the redevelopment of the old depot.

The offer of $11,000 including GST is in line with the last valuation obtained in January 2010.

Background:

Mine Trades and Maintenance is a Plumbing and Electrical contractor with a presence in Perth, Leonora, Leinster and Morawa. With the impending development of the Extension Hill Magnetite Project MTM would like to set up an outlet in Perenjori. It is expected that the business presence in Perenjori would eventually consist of a tradesman and apprentice in each of electrical and plumbing.

Statutory Environment:


In particular s3.58 (3) and (4) requires that if a Local Government intends to dispose of property other than by tender or public auction that it must first advertise its intention. Last year the Shire advertised its intention to dispose of its industrial lots by private treaty, so there is no need to readvertise.

Policy Implications:

Nil

Financial Implications:

The proceeds of the sale are immaterial to the Shire’s financial position.

Strategic Implications:
The sale will help attract a key business to town.

**Consultation:**

The CEO and Shire President met with MTM representatives at the recent business after hours function in Perenjori, and they followed up with a site visit and meeting with the CEO.

**Comment:**

Perenjori’s strategic vision is to position the town as a centre for mining and agriculture, and MTM fits the profile of the type of business that would fit that strategy. Importantly it will attract 4 new workers and their families to town.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That Council accept the offer by Mine Trades and Maintenance to purchase lot 159 England Crescent Perenjori, subject to the Special Conditions of Sale applied to other Industrial land sales, including practical completion of an approved development within 30 months of settlement.

**COUNCIL RESOLUTION**

Moved: Cr JR Cunningham       Seconded: Cr GK Reid

That Council accept the offer by Mine Trades and Maintenance to purchase lot 159 England Crescent Perenjori, subject to the Special Conditions of Sale applied to other Industrial land sales, including practical completion of an approved development within 30 months of settlement.

Carried: 7/0
Executive Summary:

All non-metropolitan Local Governments have been invited to comment on a draft policy on the application of gross rental valuation (GRV) to resource projects.

Applicants Submission:

All non-metropolitan Local Governments have been invited to comment on a draft policy on the application of gross rental valuation (GRV) to resource projects. The Association is seeking urgent feedback on the draft policy.

The full text of the policy is attached, but the essential features are:

- Land held under a mining tenement or petroleum lease will generally be rated as Unimproved Value.

The exceptions are:

- Permanent (in situ more than 12 months) accommodation, administration and recreation facilities and infrastructure; and
- Maintenance workshops existing within 100 metres of facilities and infrastructure above; and
- Residential housing and offices within town sites.

The policy will be reviewed after 3 years.

Background:

The policy provides for particular capital improvements associated with resource projects to be assessed by GRV, subject to a number of conditions. The draft policy guidelines are the result of protracted and ongoing discussions with resource companies and the State Government and will be reviewed after three years.

Statutory Environment:

*Local Government Act 1995 S6.29 provides for the application of rates.*

Policy Implications:

The proposed policy would have no direct impact on Council’s current rates regime.
Financial Implications:
The policy excludes other infrastructure which is potentially rateable including processing plant, workshops more than 100 metres from accommodation, linear infrastructure such as roads, power lines, pipelines.

Strategic Implications:
The limits on rating income from mining projects have a significant impact on Council’s potential income.

Consultation:
Nil

Comment:
The CEO proposed to respond to the policy in the following terms:

From a philosophical point of view all ratepayers should be required to make a contribution in keeping with their capacity to pay. Mining projects for some reason are covered by a different set of rules than every other industry.

Mining tenure is in addition to other forms of tenure and can apply to the same land that is covered by other leases, is public land, or is free hold. In addition to mining leases, mining companies can also apply for miscellaneous or general purpose leases to cover other infrastructure even if it is well away from proximity to the mining project. In this way most forms of mining infrastructure will be protected from Local Government rating regardless of their location. The 100 metre rule for maintenance facilities makes no sense at all.

In Perenjori’s case the Karara Iron Ore project is within the boundaries of the Shire of Perenjori. The project will involve an investment of around $2.5 Billion, close to half of which will be built within the Perenjori Shire. Within 5 years the project will be generating around $85 Million in state royalties.

Under the proposed rating policy the most that could be generated in rates income from the project will be around $1 million. If all infrastructure could be rated, as applies to every other industry, there would be around an additional $2 Million in rates income available. Compared to the cost of royalties this is very modest indeed, but can make a substantial difference to the Shire’s capacity to respond to the demands created by the additional economic activity.

Presently the mining industry is responsible for substantial contributions to community projects within affected communities. Unlike almost every other industry they can choose where their contributions are spent. This privilege is not extended to any other taxpayer.

On a more positive note, codifying the application of GRV rates in a published policy is a welcome development. This means that decision making is transparent, and applications to apply GRV rates may be treated as routine, not an attempt by Local Government to gouge mining projects.

Voting Requirements:
Simple Majority

Officers Recommendation:
That the CEO respond to Draft Policy in the line with the comments above.
COUNCIL RESOLUTION

Moved: Cr GK Reid  Seconded: Cr RA Benton

That the CEO respond to Draft Policy in the line with comments above, except that

That the CEO seek clarification of the wording in section 2.3 (2) (a) (i) as the point could be read as either:

1. Accommodation, recreation and administration facilities (and infrastructure) where the infrastructure is unrelated; OR

2. Accommodation, recreation and administration facilities and (accommodation, recreation and administration infrastructure).

If the interpretation is the former the new policy is very good. If the interpretation is the latter this is unduly limiting and the concerns expressed by the CEO apply. The intent needs to be made clear

Carried: 7/0
Draft Policy Guidelines
The application of gross rental valuation to resource projects

1. Introduction

The Local Government Act 1995 enables local government to apply gross rental value as the basis for rating on a portion of land, which has a “relevant interest” (mining and petroleum). The following policy guidelines aim to standardise the application of gross rental value to resource projects throughout the State.

2. Policy Guidelines

2.1 Land subject to the application of policy

1) The policy will apply to land defined as a “relevant interest” in Section 6.29(1) of the Local Government Act, 1995 and includes:
   a. a mining tenement held under the Mining Act 1978 (whether within the meaning given to that term by that Act or by the Mining Act 1904); or
   b. a permit, drilling reservation, lease or licence held under the Petroleum and Geothermal Energy Resources Act 1967.

2.2 Valuation based on unimproved value

1) As prescribed by Section 6.29(2) of the Local Government Act 1995, the basis for a rate on a relevant interest will be the unimproved value of land, except as provided in Section 6.29(3).

2.3 Gross Rental Valuation

1) As prescribed by Section 6.29(3) of Local Government Act 1995, the Minister can determine that gross rental valuation can apply to a portion of land on which capital improvements are located.

2) Gross rental valuation of land will only apply to:
   a) All permanent (in situ for at least 12 months):
      i) Accommodation, recreation and administration facilities and infrastructure; and
      ii) Maintenance workshops existing within a 100 metres of facilities and infrastructure listed in 2(a)(i)
   b) Residential housing and offices within town sites.

2.4 Implementation guidelines

1) The policy will apply for a trial period of three years from July 1 2012 to June 30th 2015.
2) Government will review the policy at the end of the trial period.
3) Projects that operate under existing State Agreements and are currently exempt from rates may move to the new arrangements, but this will be voluntary during the three-year trial period.
4) During the trial period, the policy will apply to all new projects.
5) The Minister for Local Government has the authority to implement the guidelines under existing legislation.
11095.3 PERMISSION TO COLLECT NATIVE SEED

APPLICANT: E-SCAPES ENVIRONMENTAL
FILE: ADM 0159
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO
RESPONSIBLE OFFICER STAN SCOTT – CEO
REPORT DATE: 8 September 2011
ATTACHMENTS

Executive Summary:
Escapes Environmental is seeking permission to collect native seeds on shire reserves and road verges.

Applicants Submission:
Tim Emmott of EScapes Environmental who has been contracted to collect native seed for revegetating properties in the north and east of the shire using local provenance seeds and has sought permission to collect native seed on shire reserves and road verges.

Background:
Tim Emmott, then through Emmott Ochtman Environment, received permission to collect seed in 2009 for properties held by Aus Carbon.

Statutory Environment:
Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:
Council’s policy states:
Permission to collect flora (including fire wood and seed harvesting) from land under control of Council (i.e. road reserves, vested reserves, freehold etc) may only be granted by resolution of Council, and will be subject to the applicant obtaining the necessary approval from the Department of Environment and Conservation or its successor.

Financial Implications: Nil
Strategic Implications: Nil
Consultation:
This is a renewal of a previous permission.
Comment:
Seed is most prolific on road verges as a result of additional water runoff from roads. Any seed collected is retained within the region for the purpose of revegetation and biodiversity protection.

The CEO recommends that permission is granted subject to the following conditions:

Permission is subject to the following conditions:

- That seed collectors have the necessary license from the Department of Environment and Conservation;
- That permission is obtained from landholders for collection on private land.
- That seed is limited to 20% of the seed from any specimen.
- That collectors maintain records of locations where seed is collected so that particular areas are not over utilised.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council grants permission for E-Scapes Environmental to collect native seeds on shire reserves and road verges subject to the following conditions:

- That seed collectors have the necessary license from the Department of Environment and Conservation;
- That permission is obtained from landholders for collection on private land.
- That seed is limited to 20% of the seed from any specimen.
- That collectors maintain records of locations where seed is collected so that particular areas are not over utilised.

COUNCIL RESOLUTION
Moved: Cr JR Cunningham
Moved: Cr JH Hirsch

That Council grants permission for E-Scapes Environmental to collect native seeds on shire reserves and road verges subject to the following conditions:

- That seed collectors have the necessary license from the Department of Environment and Conservation;
- That permission is obtained from landholders for collection on private land.
- That seed is limited to 20% of the seed from any specimen.
- That collectors maintain records of locations where seed is collected so that particular areas are not over utilised.

Carried: 7/0
29th August 2011

Stan Scott
Chief Executive Officer
Shire of Perenjori
PO Box 22
Perenjori WA 6620

RE: Permission to collect native seed

Dear Stan

E-Scapes Environmental Pty (ESE) is requesting permission from the Shire of Perenjori to collect seed from native vegetation from roads and reserves managed by the Shire of Perenjori

ESE abides by the appropriate Department of Environment licensing conditions, and will adhere to any conditions imposed by the Perenjori Shire.

Seed is being collected for use in local revegetation projects where there is a desire to utilise local provenance seed.

If you would like further information, please contact me on the numbers above. I thank your for your consideration of this request and look forward to your reply.

Yours sincerely

Tim Emmott
Director
E-Scapes Environmental Pty Ltd
11095.4  MIDWEST INVESTMENT PLAN – PERENJORI IMPLICATIONS

APPLICANT: MIDWEST DEVELOPMENT COMMISSION
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO

RESPONSIBLE OFFICER STAN SCOTT – CEO

REPORT DATE: 8 SEPTEMBER 2011
ATTACHMENTS Overview of the Midwest Investment Plan
Letter from Venue Consultants in Association

Executive Summary:
The MWDC met with Midwest Local Governments to discuss implementation of the Midwest Investment Plan. The implications for Local Governments is that we need to be well prepared for the opportunities that might arise.

Applicants Submission:
The Midwest Investment Plan was developed as a regional plan to attract state investment to reflect the needs and aspirations of the region. Below for the is the summary table with the estimated costs of the full range of projects. Clearly not all of these projects can be funded by the State, but there is a template for further investment.
There are a number of projects that were common across more than one subregion and these projects are set out below:

These projects that will have the potential to directly impact on Perenjori include:
- Mobile telephone coverage – local black spots were identified to the commission. The Department of Commerce is managing a program of mobile phone enhancement and emergency communication improvements including sharing towers. Latham was nominated as one of the black spots.

- Town enhancement and revitalisation projects – redevelopment of the town hall, refurbishment of the pavilion and the Perenjori People’s Pathway are all potential projects under this element.

- Housing Social and Worker and Land Development are key issues for Perenjori. The results of the housing forum scheduled for 12 September should be available as a late item for today’s meeting.

- Health Care Facilities – the child development centre is both a health and education initiative, and the Southern Inland Health Initiative may lead to additional medical services requiring further investment in the medical centre.

- The Midwest Energy Project Stage 2 will help build the case for renewables projects in Perenjori.

Projects targeted for the North Midlands are set out on the table that follows. The project for which Perenjori has been specifically targeted are:

- Regional Airports
- Wubin Mullewa Road
- Child care facilities (early childhood development centre)
- Morawa Perenjori electricity feeder
- Morawa Perenjori fringe of the grid solar
- Perenjori large scale solar.
Background:
The MWDC credits the Leaving a Legacy Workshop conducted in Perenjori in May 2010 as a significant driver for the development of the Midwest Investment Plan.

Statutory Environment:
*Local Government Act 1995 S3.1* – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:
Nil

Financial Implications:
The State Budget allocated $220 Million to the Midwest Investment Plan over the next 4 years.

Strategic Implications:
The investment plan should help us to frame priorities to best take advantage of cofounding and grant programs.
Consultation:
Local Governments were significant contributors to the development of the plan

Comment:
Several key projects that have already been developed by the Shire are identified within the scope of the investment plan. We need to ensure that the project documentation for these projects is well developed and investment ready. The particular projects that fit within this category are:

*The Early Childhood Development Centre* – we have the consultant’s report, and we now need to develop the business case and concept plans to make it shovel ready. There has been significant political support for this concept and we need to maintain the momentum.

*Perenjori Environment Centre* – we need to move from concept to business plan and building concept. This project is proving more difficult to generate regional support and we need to better engage with stakeholders and potential partners.

*Perenjori Solar Park* – the grant application with Regional Development Australia was unsuccessful, and the Regional Development Council action agenda is pending. It appears likely that we will eventually have a significant solar project if we continue to work with state and federal agencies and private investors. Perseverance is required, and some contribution from the investment plan is not out of the question.

*Perenjori Housing Foundation* – This may be the subject of a separate late item depending on the outcome of a community meeting scheduled for Monday 12 September 2011. This is at the concept stage but need to be developed quickly to be investment ready when funding becomes available.

*Townscape projects* – This seems to be a significant focus of the first year of the investment plan and we need to have projects that are shovel ready to take advantage of the opportunity. Possible projects can include:

- Town Hall Redevelopment – redeveloping the hall to improve its suitability as a performance and meeting venue (along the lines of the Carnamah Project a couple of years ago). This could include stage, back of house, kitchen, toilet facilities, and perhaps even extension of the Shire’s office space. The CEO met with a consultant at the Local Government Convention, and he has offered to visit and discuss options with Council. (see attached letter) A project plan would help make this project investment ready.

- Pavilion refurbishment – this is an excellent facility in need of a face lift and refit. Again a scoping document and project plan would make it investment ready. This is already identified in the FCWP.

- The Perenjori People’s Pathway – developed as part of the trails plan, this project interprets Perenjori’s history through a series of rusty steel cut-outs and interpretive panels. This would be an ideal project to be completed by the centenary celebration in 2012.

- Entry Statements – Presently Perenjori has an entry statement consisting of the identity wall and windmill. This has become iconic, is photographed often and is commonly used to represent the town. As part of its centenary celebration Latham installed new entry statements and a similar project for Perenjori is well overdue. The entry statements would complement not replace the existing feature, and would be positioned at the town entries north and south on Wubin Mullewa Road, on Perenjori Carnamah Road and on
North Road. These could be potentially an extension of the people’s pathway theme.

To be best positioned to take advantage of regional funding opportunities we need to have fully developed and costed plans available.

In addition to these projects the impact of the proposed rail closure south of Perenjori was also considered. Mitigating the impacts could include upgrade of the Bunjil Carnamah Road or installation of a rapid rail loader at Perenjori. The latter option has been raised with CBH and they have agreed to cost this proposal. The MWDC and north midlands Local Governments will then consider funding contributions from the Mid West Investment Plan and the regional component of the Country local Government Fund.


**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

1. That Council note the release of the Mid West Investment Plan

2. That the CEO invite Venue Consultants in Association to visit Perenjori to discuss venue plans for the Perenjori Hall and quote on developing a plan;

3. That the CEO prepare costed plans for town entry statements and refurbishment of the pavilion.

**COUNCIL RESOLUTION**

Moved: Cr JH Hirsch                      Seconded: Cr RP Desmond

1. That Council note the release of the Mid West Investment Plan

2. That the CEO invite Venue Consultants in Association to visit Perenjori to discuss venue plans for the Perenjori Hall and quote on developing a plan;

3. That the CEO prepare costed plans for town entry statements and refurbishment of the pavilion.

Carried: 7/0
OVERVIEW OF MID WEST INVESTMENT PLAN

Together with the MWRPIF, the MWIP is designed to provide a strategic direction for the Mid West region over the next ten years to 2021. The MWIP outlines the community priorities in the Mid West as a set of projects designed to have an impact across the region. In the development of this document, the intent has been to characterise the region and its component sub regions and outline the specific objectives that MWDC considers important in delivering its vision across the region. Through the process, the MWDC has taken the following into consideration:

- Recognise that a ‘balanced’ region requires investment in both the economic and social/ community support infrastructure to support the aspirational goals of the community;
- Engage the wider community and all tiers of government to identify existing and emerging infrastructure pressures throughout the Mid West and Western Australia over the next 10 to 20 years;
- Collate these infrastructure requirements and prioritise according to relevant criteria;
- Work with the public and private sectors to identify investment opportunities and form working partnerships to deliver projects to the region in a timely fashion;
- Create a greater level of certainty about the priorities and timing of major infrastructure development;
- Provide a framework for identification of infrastructure needs and a process for ensuring new projects are incorporated into an evolving MWIP; and
- Develop project budgets based on an appropriate mix of investment from both the public and private sectors.

In addition, the following aspirational goals were in place and projects that were considered high priority generally satisfied one or more of the following criteria:

- capturing opportunities;
- improving the quality of life;
- increasing social equity;
- enhancing economic diversity and productivity; and
- reducing the impacts on the environment.

To deliver on the priorities within the MWIP, effective partnerships will be required between:

- Local government
- Regional Development Council
- Department of Regional Development and Lands
- Western Australian Regional Development Trust
- Aboriginal groups
- Non government organisations
- Planning committees
- Communities
- State government departments
- Federal government – including Regional Development Australia
- Industry eg Geraldton Iron Ore Alliance
- Non profit organisations
Mid West Investment Plan Structure

The Plan is presented in three sections. SECTION ONE provides an outline of the Mid West and the social, economic, planning and infrastructure considerations taken into account in the development of the MWIP. SECTION TWO outlines the objectives for the Mid West region, with each having a series of priorities to provide a focal point for actions. SECTION THREE – PRIORITY PROJECTS and MASTER LIST details the initiatives and projects required to be undertaken in the Mid West to enhance the Region’s economic and social development.

The key components of the MWIP are the investment in economic infrastructure (railways, roads, ports, communication, electricity and utilities) and the social and community infrastructure (health, education, town revitalisation and recreation facilities).

Consultation

To ensure the projects that make up the MWIP reflect the community views, extensive consultation and assessment of existing planning processes occurred throughout the region. In establishing the potential projects within the Mid West, all tiers of government, non profits, industry, community and private sectors were consulted directly on at least two occasions and more frequently via telecommunication.

A ‘Master List’ of the recognised infrastructure needs was developed through reference to the Mid West Infrastructure Analysis (WAPC, 2008) and consultation with local government at the sub regional Country Local Government Fund (CLGF) planning workshops. Further detail was obtained through direct dialogue with regional government and non government organisations in interviews and two workshop events. The workshops at the beginning and end of the consultation phase provided several opportunities for regional decision making. Furthermore, the MWDC maintains a register of proposed and planned projects in the region.

Project Prioritisation

Through this process, an agreed list of Mid West projects was assessed and prioritised into three categories:

- High – projects that will provide significant economic and/or social benefit to the local community and demonstrate regional benefits. Essential for economic growth;
- Medium – projects that provide valuable social and/or economic benefits. Broad regional benefit and important for regional growth; and
- Low – provide some social and/or economic benefits as well as broader regional benefits. Worthwhile for regional growth.

After further consolidation of project details, the MWDC Board identified the “Flagship” projects. These were categorised as absolutely essential to the region and had a demonstrated need to be progressed substantially or completed within four years, therefore requiring urgent funding consideration.

It is important to note that priorities identified in the MWIP were determined by sub regional communities and the MWDC Board. The focus of many of these high priorities and “Flagship” projects has been on community related infrastructure, noting that these predominantly sub regional projects were generally not the focus of the MWRPIF.

Process

Each of the projects has been divided into relevant categories, which include the following. The key areas under which the MWIP is being developed include:

- Infrastructure and Services
- Community Development and Town Centre Revitalisation
- Tourism
- Industry
- Housing and Land Development
- Utilities
- Health
- Education
- Energy
- Maritime
- Environment
Mr Stan Scott  
Chief Executive Officer  
Shire of Perenjori  
PO Box 22  
Perenjori WA 6620

Wednesday, 17 August 2011

Re Town Hall Revamp

Dear Mr Scott,

You might recall we met at this year’s Walga Convention and briefly discussed our venue services. I note that you did mention that your venue project was some way off but I hope you don’t mind my making contact to outline our work.

Our services include needs analysis, business planning, design brief writing, equipment specifying. Included are more highly specialised aspects such as sightlines, acoustics, income and expenditure projections, staffing levels, risk assessment.

You’ll be aware that both the Royalties For Regions and the Department of Culture and the Arts both welcome evidence of good planning and functionality and, since most of our projects listed on the attached have been for local or state authorities we are well versed to help you deliver to these standards.

You might wish to note that I was the theatre consultant on both the Albany Entertainment Centre and the State Theatre Centre and with my colleague Peter Alexander led the Due Diligence (funding) study into the Albany Entertainment Centre for the Perth Theatre Trust and the Department of Treasury and Finance.

The design of a new venue, especially one which is to be based on an existing venue, is a complex highly specialised exercise but one of which my colleagues and I have considerable experience, collectively we’ve been doing this for over 100 years and no-one in WA has the same range and depth of experience.

We would be pleased to come and discuss these matters with you without fee or obligation.

Whilst respecting that the project is some way off an early short study might help identify scope and risks that need some time to consider and address.

Yours sincerely,

Graham Walne

ALL ENQUIRIES Graham Walne Tel 9383 1243 Email graham2@inet.net.au
Shire of Perenjori

Ordinary Meeting

MINUTES

15th September 2011

Peter Alexander
Rick Browne
Graham Walne

Advice - Design - Equip

Venue Consultants in Association

Merredin Theatre – design and equipping of specialist stage

- Town Halls
- Community Centres
- Arts Centres
- Theatres
- Galleries
- Acoustics
- Lighting
- Sound
- Communications
- Multi-media
- Rigging
- Appraisals
- Business Plans
- Development Strategies
- Feasibility Studies
- Specifications and Design Briefs

Albany Entertainment Centre – Design Brief and Due Diligence Funding Study

PROJECTS

As individuals or as teams

1. State Government ‘Eight Year Strategy’
2. Town of Nedlands Options Study for the Montgomery Hall Complex
3. Napier Cultural Centre Study
4. Pilbara Regional Art Gallery Study
5. City of Mandurah – Options Study for Community Arts Centres*
6. City of Mandurah – Strategy Community Arts
7. City of Mandurah – Community Art Study
8. City of Mandurah – Land Use Management Plan
9. Shire of Brome Performing Arts Centre (for Woodhead International)
10. City of Geraldton Convention Centre Phase One* and Two
11. Hale School New Performing Arts Centre – briefing and equipping
12. Multiplex Proposal for the Perth Convention and Exhibition Centre - Study
13. John XX111 College New Performing Arts Centre Options
14. Burswood Resort Nightclub - specialist design and equipping
15. State Theatre Centre (for Perth Theatre Trust) Design Brief*
16. Rossmoyne School Performing Arts Centre Design Brief
17. Perth Zoo Stage Design Brief
18. Perth Town Hall Refurbishment - specialist design and equipping
19. South Perth Amphitheatre Study
20. Korda Plane Amphitheatre Study
21. Subaco Arts Centre Redevelopment - specialist design and equipping
22. Spare Parts Puppet Theatre Upgrade - specialist design and equipping
23. All Saints College Performing Arts Centre – specialist design
24. City of Joondalup New Performing Arts Centre Study
25. City of Rockingham Contemporary and Performing Arts Centre Study
26. City of Albany Entertainment Centre Design Brief, Funding Study
27. Melville PAC Study Brief
28. Perth Theatre Trust review of equipment in the Trust’s Venues
29. Arts Edge SWOT Analysis
30. Dept of Culture and the Arts – Appraisal of Proposals to house the NIASO
31. Spare Parts Puppet Theatre Safety Audit, specialist design, equipping
32. Fremantle Arts Centre Review
33. Rehabsilets Hall Safety Audit
34. Dept of Training - TAFE Venues Appraisal*
35. Hale School Memorial Hall Upgrade Study
36. Perth Arena Appraisal (for Perth Theatre Trust)
37. Shire of Kalamunda appraisal of the Kalamunda Performing Arts Centre
38. Business Planning Curtin Vet (G)
39. Arts Touring in the Northern Territory
40. Margaret River Cultural Plan Implementation
41. City of Bunbury Cultural Mapping Study
42. Stage Left Theatre Kalgoolie – Venue appraisal
43. Merredin Theatre – specialist design and equipping
44. Carnamah Town Hall - Upgrade sound, lighting, vision and staging systems.
45. Northam Sound Shell - Design and install stage and architectural lighting.
46. Goldfields Art Centre - Upgrade lighting systems.

* these projects involved associates

ALL ENQUIRIES
Graham Walne
9383 1243
graham2@iinet.net.au
Executive Summary:
The Country Women’s Association has requested that the Shire consider having the Latham CWA centre gifted to the Shire.

Applicants Submission:
The General Secretary of the CWA of WA has written to the Shire offering to gift the CWA centre in Latham to the Shire. The Centre located at 27 Britt Street Latham is currently being used for the postal agency run by the Latham Progress Association and the Latham Library run by the Shire. The Latham fire shed is also located at the rear of the block.

Background:
The Latham Carob/Bunjil Branch of the CWA has folded after 74 years of service to the community.

Statutory Environment:
Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:
Nil

Financial Implications:
The CWA centre is a freehold property with a nominal value of perhaps $30,000. For ongoing use Council would need to invest in maintenance and upgrade of the building.

Council has allocated $20,000 this year to the Latham Library, which was in anticipation of the need to either relocate or refurbish.

Strategic Implications:
It is important that post office and library services continue to be available to the Latham Community. These services together with Ambulance and Volunteer Fire Brigade could form the basis of a future Community Resource Centre.
Consultation:
Mrs Elaine King as secretary of the Latham Caron/Bunjil Branch of the CWA informed the CEO of the impending wind up of the local branch.

Comment:
Whenever Local Governments consider taking on assets from others it is important to consider the whole of life costs of those assets. In this case while the existing land and buildings have only nominal value, the ongoing cost of maintaining and upgrading the facilities will be substantial.

This must be balanced against the need to maintain post office and library services in Latham, and whether additional services can be leveraged from this base. Certainly in the consultation with the Latham Community the possibility of a Community Resource Centre was raised, and while assessed as less important than recreation facilities, there was some support for such a project.

In all the circumstances the CEO recommends accepting the offer from the CWA provided that future use is not unduly limited. If, for example, a new location is identified for the post office and library, that the future use of the CWA building may change.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council accept the offer by the CWA to gift the CWA centre in Latham to the Shire.

COUNCIL RESOLUTION
Moved: Cr RA Benton  
Seconded: Cr JH Hirsch
That Council accept the offer by the CWA to gift the CWA centre in Latham to the Shire.

Carried: 7/0
11095.6 LOCAL GOVERNMENT CLIMATE CHANGE DECLARATION

APPLICANT: WALGA

FILE: 0

DISCLOSURE OF INTEREST: 0

AUTHOR: STAN SCOTT – CEO

RESPONSIBLE OFFICER STAN SCOTT – CEO

REPORT DATE: 8 SEPTEMBER 2011

ATTACHMENTS INFOPAGE - LOCAL GOVERNMENT CLIMATE CHANGE DECLARATION

Executive Summary:
WALGA is recommending that member councils sign a Local Government Declaration on Climate Change.

Applicants Submission:
Many Local Governments have policies on Climate Change and the Association adopted a policy for the sector in 2009. WALGA is seeking individual member Councils signing the declaration in with the association to strengthen the sectors leadership position. The proposed declaration is based on the Nottingham declaration that was endorsed by 90% of Councils in the UK.

Background:
Council has already participated in a climate change adaptation and mitigation planning process.

Statutory Environment:
Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:
The declaration may drive changes to local policies.

Financial Implications:
Predicted climate changes will have financial consequence including increased asset management and renewal costs and increased demands on emergency services.

Strategic Implications:
Given Council’s involvement in both the Yarra Yarra and the proposed environmental association, not to mention our commitment to renewables, the declaration will help demonstrate our credentials and credibility.
Consultation:
The Climate Change Adaptation Plan involved extensive consultation with stakeholders.

Comment:
There remains extensive debate on the correct response to the threat of climate change. There is however quite comprehensive agreement on some actions even amongst people who doubt the veracity of climate science. There is agreement that we should pollute less, consume less fossil fuels, invest in renewable energy sources, plant more trees and return more carbon to the soil. Most disagreement is on the best method for achieving these goals.

The model declaration is as follows:

The Shire of Perenjori acknowledges that:

- Evidence shows that climate change is occurring.
- Climate change will continue to have significant effects on the Western Australian environment, society and economy, and the Local Government sector.
- Human behaviours, pollution and consumption patterns have both immediate and future impacts on the climate and environment.

The Shire of Perenjori supports the:

- Environmental, social and economic benefits of addressing climate change immediately.
- Opportunity for Local Government to demonstrate leadership in climate change management at a community level.
- Development of equitable and implementable State and Commonwealth strategies for climate change management.

The Shire of Perenjori commits from date of signing to:

- Set an appropriate, individual Local Government emissions reduction target and work toward its achievement.
- Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set out in key National and International agreements.
- Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
- Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.
- Develop an internal Climate Change Action Plan (CCAP) for climate change actions across all Local Government functions, with a focus on the two, five and ten year future.
- Ensure that, at appropriate review intervals, the strategic plan and policies for the Local Government are reviewed and amended to reflect climate change management priorities and emissions reduction targets.
Encourage and empower the local community and local businesses to adapt to the impacts of climate change and to reduce their greenhouse gas emissions.

Monitor the progress of climate change initiatives and ensure full communication of achievements for Council and Community.

WALGA has indicated that Councils may amend the Declaration to suit its own needs. For example Council may choose not to sign up for an emissions reduction target in light of the exponential increase in activity which may result in more rather than less total emissions. The declaration also acknowledges the anthropomorphic nature of climate change which Council may choose to soften or amend to be as inclusive as possible.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council adopts the following Declaration and authorises the Shire President to sign a joint declaration to that effect with the Western Australian Local Government Association:

The Shire of Perenjori acknowledges that:

- Evidence shows that climate change is occurring.
- Climate change will continue to have significant effects on the Western Australian environment, society and economy, and the Local Government sector.
- Human behaviours, pollution and consumption patterns have both immediate and future impacts on the climate and environment.

The Shire of Perenjori supports the:

- Environmental, social and economic benefits of addressing climate change immediately.
- Opportunity for Local Government to demonstrate leadership in climate change management at a community level.
- Development of equitable and implementable State and Commonwealth strategies for climate change management.

The Shire of Perenjori commits from date of signing to:

- Set an appropriate, individual Local Government emissions reduction target and work toward its achievement.
- Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set out in key National and International agreements.
- Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
- Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.
- Develop an internal Climate Change Action Plan (CCAP) for climate change actions across all Local Government functions, with a focus on the two, five and ten year future.
- Ensure that, at appropriate review intervals, the strategic plan and policies for the Local Government are reviewed and amended to reflect climate change management priorities and emissions reduction targets.
- Encourage and empower the local community and local businesses to adapt to the impacts of climate change and to reduce their greenhouse gas emissions.
- Monitor the progress of climate change initiatives and ensure full communication of achievements for Council and Community.

2.44pm Cr Robyn Benton left the meeting.

COUNCIL RESOLUTION

Moved: Cr LC Butler
Seconded: Cr JR Cunningham

That Council adopts the following Declaration and authorises the Shire President to sign a joint declaration to that effect with the Western Australian Local Government Association:

The Shire of Perenjori acknowledges that:
- Evidence shows that climate change is occurring.
- Climate change will continue to have significant effects on the Western Australian environment, society and economy, and the Local Government sector.
- Human behaviours, pollution and consumption patterns have both immediate and future impacts on the climate and environment.

The Shire of Perenjori supports the:
- Environmental, social and economic benefits of addressing climate change immediately.
- Opportunity for Local Government to demonstrate leadership in climate change management at a community level.
- Development of equitable and implementable State and Commonwealth strategies for climate change management.

The Shire of Perenjori commits from date of signing to:
- Set an appropriate, individual Local Government emissions reduction target and work toward its achievement.
- Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set out in key National and International agreements.
- Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.

Develop an internal Climate Change Action Plan (CCAP) for climate change actions across all Local Government functions, with a focus on the two, five and ten year future.

Ensure that, at appropriate review intervals, the strategic plan and policies for the Local Government are reviewed and amended to reflect climate change management priorities and emissions reduction targets.

Encourage and empower the local community and local businesses to adapt to the impacts of climate change and to reduce their greenhouse gas emissions.

Monitor the progress of climate change initiatives and ensure full communication of achievements for Council and Community.

Carried: 6/0
Local Government Climate Change Declaration

In May 2008 the Association endorsed the resourcing of a climate change specific position to assist the Local Government sector to respond to the impacts and opportunities inherent in climate change management. In 2009 the State Council endorsed a Policy Statement for the Association on Climate Change.

Over the past ten years, Local Governments in Western Australia have made significant commitments to and investments in climate change action, in both mitigation and adaptation areas. Many members have policies, projects and officers dedicated to climate change management.

In order to consolidate this work, and create a strong advocacy position for the sector, the Association has developed for the sector a 'Local Government Climate Change Declaration'.

The final wording for this document has been developed based on the Nottingham Declaration, to which 90% of UK Councils have signed http://www.energysavingtrust.org.uk/nottingham. The wording has been considered by the Climate Change Councillors Group and endorsed by State Council, however the Declaration can be amended to suit Local Governments individual needs and commitments should they wish to strengthen its intent, or include locally relevant targets, projects and policies.

The Declaration is voluntary, and states the high level ‘political’ commitment of Local Governments to acknowledging the impacts of Climate Change on Local Governments, and to developing locally appropriate climate change management strategies. It does not, however, specifically articulate specific actions that Local Governments will take in order to respond to climate change at a local level. The Declaration is consistent with the intent of the Association’s endorsed Climate Change Policy Statement, and was endorsed at the August 2011 meeting of State Council.

At the present time significant political action is underway on climate change at both a national and state-wide level, and Local Governments will need a strong, consolidated position from which to continue their leadership position on climate change and advocate for appropriate funding mechanisms to be developed to support Local Government climate change management.

For Further information please contact
Melanie Bainbridge, 9213 2039 & mbainbridge@walga.asn.au
The Voice of Local Government
In particular, new Commonwealth legislation on the Carbon Farming Initiative, Carbon Tax and transition to an Emissions Trading Scheme, and the current development and consultation on the State Climate Change Adaptation and Mitigation Strategy will present both risks and opportunities, which will be better met with a sector wide, consistent approach. This Declaration will stand as a voluntary opportunity for Councils to demonstrate their political commitment to locally appropriate climate change management, and to participate in a sector wide leadership approach.

The Association encourages all Local Governments to become signatories to the Climate Change Declaration, which will also support the Association’s policy and advocacy work on this issue, including the development of a funded sector-wide program to assist Local Governments to respond to climate change risks and impacts.

Initially the Association asks that Councils consider the Declaration, and communicate their ‘in-principle’ support via mail or email to Melanie Bainbridge at mbainbridge@walga.asn.au.

If your Council wishes to make locally specific amendments to the document, please also send the amended version through to Melanie as A3 certificates will be printed to be signed at an official signing ceremony / event in late 2011 / early 2012 (date and venue to be confirmed). The Declaration wording can also be found on the WALGA Climate Change Management Toolkit at: http://www.walgaclimatetoolkit.com.au

More information on WALGA’s Climate Change policies and projects is available from www.walgaclimatetoolkit.com.au. For enquiries please contact Melanie Bainbridge, Climate Change Coordinator, on telephone 9213 2039 or mbainbridge@walga.asn.au.
11096 OTHER BUSINESS

11096.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

- Correspondance from Mid-West Gascoyne District Police Office – Re: Wa Police Business continuity during October 2011
- Smarter Business Ideas
- Statewide – Winter 2011
- GN News – August 31

11096.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

11096.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
11096.4  URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

COUNCIL RESOLUTION

Moved: Cr LC Butler                           Seconded: Cr JR Cunningham

That items 11096.4.1 KARARA IRON ORE TRANSPORT ARRANGEMENTS and 11096.4.2 KARARA ALTERNATIVE HAULAGE PROPOSAL VIA YALGOO, be accepted as Urgent business.

Carried: 6/0

11096.4.1 LATE ITEM - KARARA IRON ORE TRANSPORT ARRANGEMENTS

APPLICANT: KARARA MINING LTD

FILE: 0

DISCLOSURE OF INTEREST: 0

AUTHOR: STAN SCOTT – CEO

RESPONSIBLE OFFICER STAN SCOTT – CEO

REPORT DATE: 12 September 2011

ATTACHMENTS Map of proposed route

Executive Summary:
Karara Mining is seeking Council’s support for a revised proposal for Trucking Iron Ore to a rail head at Three Springs.

Applicants Submission:
The proposal is a scaled down version of an earlier proposal considered by Council at its May ordinary Meeting. The proposal includes the following elements:

- Trucking ore from Karara to a railhead in Three Springs;
- Using local contractors operating RAV4 trucks, up to 27.5 metres long, with a loaded weight of 87.5 tonne and a payload of approx 49 tonne.
- Approximately 26 loaded trucks per day, for a total of 52 truck movements.

The proposed route is as follows:
- Karara Road;
- Warriedar Copper Mine Road;
- Perenjori Rothsay Road;
- Wubin Mullewa Road;
- Perenjori Carnamah Road;
- Perenjori Three Springs Road, and
Return empty by the same route. This is less than half the original proposal.

**Background:**
Karara is keen to export haematite by is limited by lack of rail access until the line upgrade is completed. Karara is considering any option to get ore to port including a proposed rail siding at Mingenew.

At its May meeting Council resolved as follows:

*That Council provides in principle support for Karara Mining to truck ore from Karara to a rail siding in Three Springs, and authorises the CEO and Shire President to negotiate conditions consistent with the following:*

- That Karara makes good on any damage to Shire Roads; and
- That the route and or operating conditions minimise safety issues for pedestrians and other road users; and
- Karara consult directly with Mount Gibson in relation to impacts on the section of Perenjori Rothsay Road for which they are responsible; and
- That approval is subject to negotiating an appropriate public benefit contribution
- That Karara develop a safety plan for the Primary School including a foot path along Carnamah Road
- That an 80km speed restriction apply to both loaded and unloaded trucks within the Shire of Perenjori
- That Karara pay for an audit of road conditions prior to commencement; and
- That approval is until 31/10/11 only.

**Statutory Environment:**

*Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.*

**Policy Implications:**

Nil

**Financial Implications:**

Karara presently funds maintenance on the access roads to its mine site, and will eventually upgrade the route between Perenjori Rothsay Road and the mine site. Karara will need to negotiate a contribution to Mount Gibson for the upgraded section of Perenjori Rothsay Road. The other affected Road will be Perenjori Carnamah.

**Strategic Implications:**

Karara is of significant strategic importance for the Shire of Perenjori.

**Consultation:**

Representatives from Karara attended the May Ordinary meeting. They held a community meeting in Perenjori last week and met with the primary school.
Comment:
The Karara to Three Springs proposal while putting ore on rail for some of the journey does create some issues. The primary concerns are:

- The number of truck movements past the primary school, and
- The suitability of Perenjori Carnamah Road for the task, particularly with trucks passing in both directions.

In discussion with Karara they have agreed to a number of concessions including:

- 80 kph speed limit on certain sections;
- 40 kph speed limit near school bus drop off along the route during morning and afternoon pick up times;
- Erection of a barrier between the road and school bus area to prevent incursions onto the road by children.
- Only operating during daylight hours.

Karara has agreed to make good any damage to affected roads and to make an additional contribution of 10c per tonne toward wear and tear, and has arranged for baseline inspection the route. It has also agreed to stepping up the maintenance effort on the unsealed portion of the route to minimise damage and suppress dust.

Karara agreements seem to address all the issues raised with Council with the exception of a footpath on Carnamah Road. Given the substantial reduction in activity it would be very difficult to justify this requirement.

Voting Requirements:
Simple Majority

*Note – More than 3 months have passed since the original motion so it is not necessary to rescind the previous motion.*

Officers Recommendation:

That Council agrees to the revised ore transport campaign between Karara and Three Springs subject to the following conditions agreed by Karara:

- 80 kph speed limit on road sections between Perenjori and Three Springs, 90 kph on the remainder of the route;
- 40 kph speed limit near school bus drop off along the route during morning and afternoon pick up times;
- Erection of a barrier between the road and school bus area to prevent incursions onto the road by children.
- Only operating during daylight hours.
- Approval until 31 Oct 2011 Only.

In addition Karara will:

- Step up the maintenance effort on the unsealed portion of the route;
- Make good any damage to affected roads
- Provide an additional contribution of 10c per tonne toward wear and tear, and
• Arrange for baseline inspection the route by an independent engineer.

COUNCIL RESOLUTION

Moved: Cr JH Hirsch  Seconded: Cr JR Cunningham

That Council agrees to the revised ore transport campaign between Karara and Three Springs subject to the following conditions agreed by Karara:

• 80 kph speed limit on roads in the Perenjori Shire;
• 40 kph speed limit near school bus drop off along the route during morning and afternoon pick up times and within the Perenjori Townsite boundary;
• Erection of a barrier between the road and school bus area to prevent incursions onto the road by children.
• Only operating during daylight hours.
• Approval until 31 Oct 2011 Only.

In addition Karara will:

• Step up the maintenance effort on the unsealed portion of the route;
• Make good any damage to affected roads
• Provide an additional contribution of 10 c per tonne toward wear and tear, and
• Arrange for baseline inspection the route by an independent engineer

Carried: 6/0

Amendment to second and third bullet points after council discussion
Executive Summary:
Karara is proposing as an alternative to rail options to cart ore via Yalgoo.

Applicants Submission:
Karara wrote to the Shire as follows:

*Thanks for the time today to discuss our alternative trucking option.*

*Our current approvals for trucking to Geraldton expire on October the 31st (in 47 days time)*

*Please note that our preference is always to get onto rail were ever and whenever we can.*

*Thus we are still talking to Three Springs and Mingenew about using their rail sidings on the midlands railway line.*

*We are also continuing robust discussions with Brookfield rail about allowing us access for some trains while they do the Morawa to Mullewa rail upgrade starting on 18th Oct.*

*Thus for an alternative option for us to truck to Geraldton we are asking for Perenjori shire to approve the use of Karara road and Warriedar Coppermine road.*

*Karara Rd is currently RAV 7 and we ideally also wish to operate Warriedar Coppermine road as RAV 7.*

*We will then use the private Minjar haul road and the Minjar Access road to go to Geraldton via Yalgoo on the Yalgoo – Ninhan road and the Geraldton Mount Magnet Road both which are currently RAV10.*

*We will be looking at up to 52 trucks/day operating 6 days/week, 24 hours per day.*

*Karara will ask the Shire of Perenjori to upgrade and maintain (including dust control) the roads within the Perenjori shire.*

*Because Karara will be paying for road upgrades and maintenance we will not be offering any road maintenance contribution to the shire.*
We are seeking a 12 month approval from the minister, however I believe that we would only need this until July next year but I am confident that we will be on the rail full time by March next year.

However the 12 month request is to cover off on Brookfield’s current threat to keep us off the rail network until they have finished all their upgrade works which is not until Sept next year.

Background:
The decision by Three Springs Council to approve the rail siding has been found to be invalid. The decision to rescind the previous decision was not by absolute majority, so Council could not legitimately reconsider the previous decision not to allow the siding.

Statutory Environment:
*Local Government Act 1995* S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:
The revised route keeps the trucking operations well away from population centres and harvest routes.

Financial Implications:
Karara has requested that the Shire maintain the route during operations. This will be a substantial job as it involves 110km of unsealed road and 52 trucks per day. We would need to employ contractors, and there would be a cash flow risk.

Strategic Implications:
Rail is clearly the preferred option, but the proposed alternative is probably the least disruptive of the available options.

Consultation:
To date only a brief discussion has been held with Karara on this option. It is understood that Yalgoo has agreed.

Comment:
Karara has taken the view that as they will be paying the shire to maintain the road that there will be no need to make an additional road maintenance contribution. Even with previous proposals Karara has always insisted that any contribution is for road maintenance, not community benefit.

To put the trucking proposal into context these are some of the number:
- 107 tonnes per load
- 52 loads per day
- 5564 tonnes per day
- 6 days per week
- 33,384 tonnes per week
- 1,700,000 tonnes if it goes for the full 12 months.

This is approximately half the full year volume proposed for Mount Gibson. If a community benefit contribution was forthcoming it would be in the order of up to $170,000. On the other hand there is little direct impact on the Shire of Perenjori.
Voting Requirements:
Simple Majority

Officers Recommendation:
That Council determine whether to approve the proposed trucking arrangement.

COUNCIL RESOLUTION
Moved: Cr LC Butler   Seconded: Cr GK Reid
That Council nominate the CEO Stan Scott and the President Cr Chris King to negotiate on Councils behalf on the proposed trucking arrangement.
Carried: 6/0

Amendment to council resolution due to council discussion.
11096.5 MATTERS BEHIND CLOSED DOORS

11096.6 DATE OF NEXT MEETING / MEETINGS
The next Ordinary Council Meeting will be held on the 20th October 2011

11096.7 CLOSURE

With no further business the Ordinary Council Meeting was closed by President Chris King at 3.09pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held 15th September 2011

Signed: 
Presiding Elected Member
Date:  