Shire of Perenjori

MINUTES

Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 17th October 2013, to commenced at 1.38pm.

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Shire of Perenjori

Ordinary Council Meeting

MINUTES 17th October 2013

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13101 PRELIMINARIES

13101.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Cr C King officially opened the meeting at 1.38pm.

13101.2 OPENING PRAYER

Cr H Wass led Council in the opening prayer.

13101.3 DISCLAIMER READING

Nil

13101.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Cr CR King
Cr LC Butler
Cr GK Reid
Cr JR Cunningham
Cr PJ Waterhouse
Cr LJ Smith
Cr HC Wass
Ali Mills – CEO
David Fong – SFO
Carla Parker - EO

Leave of Absence

Nil

Apologies
Cr GK Reid
Cr RP Desmond
13101.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

13101.6 PUBLIC QUESTION TIME
Nil

13101.7 NOTATIONS OF INTEREST
Financial Interest – Local Government Act s 5.60A
Proximity Interest – Local Government Act s 5.60B
Interest Affecting Impartiality – Local Government - Code of Conduct.

13101.8 APPLICATIONS FOR LEAVE OF ABSENCE

13101.9 CONFIRMATION OF MINUTES
Minutes of Ordinary Council meeting held 19th September 2013 are attached.

COUNCIL RESOLUTION – Item 13101.9

Moved: Cr L Butler  
Seconded: Cr J Cunningham
That the minutes from the Ordinary Council Meeting held on Thursday 19th September 2013 be accepted as a true and accurate record.
Carried: 7/0

13101.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION
Nil

13101.11 PETITIONS / DEPUTATIONS / PRESENTATIONS
Nil

Cr C King Congratulated staff and all those involved in the Blues for the Bush event.
Executive Summary


Background

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

Details


The following statements are presented to Council:

- Statement of Financial Activity (Statutory Reporting by Program) - This provides the budget and actual income and expenditure for operating and non-recurrent as well and the closing surplus to date. (FM Reg 34(1))

- Net Current (Assets) Funding Position (Note 3.)-This provides the amount of assets over liabilities within the Balance Sheet. (FM Reg 34 (1)(e))

- Notes to the Financial Statements include:
  - Note 1.- Significant Accounting Policies
  - Note 2. - Graphical Representation
  - Note 3. – Net Current Funding Position
  - Note 4. – Cash & Investments
  - Note 5. – Major Variances
  - Note 6. – Budget Amendments
  - Note 7. – Receivables & Rates Information
  - Note 8. – Payables - Borrowings
  - Note 9. – Grants and Contributions
Note 10. – Cash Back Reserves
Note 11. - Capital Disposals and Acquisitions
Note 12.- Trust Fund

Legal Compliance

Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996 states –

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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 subregulation (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 may be shown —

(a) according to nature and type classification; or
(b) by program; or
(c) by business unit

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Section 6.8 of the Local Government Act 1995 (Expenditure from municipal fund not included in annual budget) states –

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
a. is incurred in a financial year before the adoption of the annual budget by the local government; or
b. is authorised in advance by resolution*; or
c. is authorised in advance by the mayor or president in an emergency.

Policy Implications
Nil

Financial Implications
Nil

Strategic Implications
Area 5: Investing in Councils Leadership
Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

Consultation
Liaison with CEO, MIS, and External Contractor.

Comment
It is recommended that the Financial Activity Statement Report – 30 September 2013 be accepted.

Voting Requirements - Absolute Majority

<table>
<thead>
<tr>
<th>Officers and Committees Recommendation – Item 13102.1</th>
</tr>
</thead>
</table>

COUNCIL RESOLUTION – ITEM 13102.1

MOVED: Cr L Smith                     Seconded: Cr H Wass

Carried: 7/0 by Absolute Majority
13102.2 ACCOUNTS FOR PAYMENT

APPLICANT: SHIRE OF PERENJORI
FILE: 1306P
DISCLOSURE OF INTEREST: NIL
AUTHOR: DAVID FONG – SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER: ALI MILLS – CEO
REPORT DATE: 07 October 2013
ATTACHMENTS: ACCOUNTS FOR PAYMENT

Executive Summary

Recommendation - The Schedule of Accounts for 30 September 2013 be confirmed.

The Schedule of Accounts is presented pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

The report identifies payments made from the Municipal and Trust Fund.

Background

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the Local Government (Financial Management) Regulations 1996.

Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

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.

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

Legal Compliance

Section 6.10 (d) of the Local Government Act 1995 refers, i.e.:
6.10. financial management regulations
   Regulations may provide for —
   (d) the general management of, and the authorisation of payments out of —
      (i) the municipal fund; and
      (ii) the trust fund,
      of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers,
i.e. -

13. Lists of Accounts

(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 subregulation (1) 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

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

Financial Implication

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

Strategic Implications

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership

Consultation

Nil

Comment

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

Voting Requirements - Simple Majority
Officer and Committees Recommendation – Item 13102.2

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for 30 September 2013 as attached to and forming part of this report.

That the accounts paid to 30 September 2013 as listed in Schedule covering vouchers numbered from –

<table>
<thead>
<tr>
<th>Municipal Account</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EFT</td>
<td>$444,124.06</td>
</tr>
<tr>
<td>Direct Debits</td>
<td>$43,348.46</td>
</tr>
<tr>
<td>Cheques</td>
<td>$28,725.16</td>
</tr>
<tr>
<td>Corporate MasterCard</td>
<td>$209.01</td>
</tr>
<tr>
<td>Bank Fees</td>
<td>$262.26</td>
</tr>
<tr>
<td>Total</td>
<td>$516,668.95</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trust Account</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EFT</td>
<td>$300.00</td>
</tr>
<tr>
<td>Cheques</td>
<td>$200.00</td>
</tr>
<tr>
<td>Bank Fees</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

Total $517,168.95 from Muni and Trust Account for the month of September 13.

...........................................(Author).  ...........................................(Manager/CEO)
COUNCIL RESOLUTION - ITEM 13092.2

Moved: Cr H Wass  
Seconded: Cr L Smith

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for 30 September 2013 as attached to and forming part of this report

*That the accounts paid to 30 September 2013 as listed in Schedule covering vouchers numbered from –*

<table>
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<td><strong>Total</strong></td>
<td><strong>$500.00</strong></td>
</tr>
</tbody>
</table>

*Totalling $517,168.95 from Muni and Trust Account for the month of September 13.*

...........................................(Author).  .........................(Manager/CEO)

Carried: 7/0
13102.3  CONFIDENTIAL ITEM – STATUS OF PAST AND CURRENT FINANCIAL MANAGEMENT PRACTICES

APPLICANT:              SHIRE OF PERENJORI
FILE:                   ADM 0361
DISCLOSURE OF INTEREST: Nil
AUTHOR:                 ALI MILLS - CEO
RESPONSIBLE OFFICER:    ALI MILLS - CEO
REPORT DATE:            17TH OCTOBER 2013
ATTACHMENTS            NIL

Officers and Committees Recommendation – Item 13102.3

That the Council receives the information provided on the past and current Financial Management practices and acknowledges the efforts of the Senior Finance Officer and Consultant, Megan Shirt.

COUNCIL RESOLUTION – ITEM 13102.3

Moved: Cr L Smith   Seconded: Cr J Cunningham

That the Council receives the information provided on the past and current Financial Management practices and acknowledges the efforts of the Senior Finance Officer and Consultant, Megan Shirt.

Carried: 7/0
Executive Summary

This item seeks Council’s endorsement of unbudgeted urgent expenditure to replace the Shire of Perenjori’s communications aerial and equipment.

Background

The existing tower and equipment has been operating inefficiently and has recently ceased working. An assessment provided by the contractor has indicated the tower and equipment have served their purpose and now are irreparable and need replacing. As this needed attending to urgently to ensure communications were put in place for staff as soon as possible providing the necessary safety measures, the expenditure was authorised by the Shire President on the 10th October 2013, in accordance with the Local Government Act, 1995.

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

It is proposed to reduce the existing allocation amount for the MidWest Regional Council Zero Waste Management Plan from $10,000 to $1,800. It is envisaged this project will not occur and thus the funds can be used for the communications.
This expenditure now needs endorsing by Council, as follows:

<table>
<thead>
<tr>
<th>ACCOUNT NO</th>
<th>NAME</th>
<th>CURRENT AMOUNT</th>
<th>NEW AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>14928</td>
<td>Capital Exp (NEW)</td>
<td>0</td>
<td>8,200</td>
</tr>
<tr>
<td></td>
<td>Plant &amp; Equipment – Communication</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repeater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10005</td>
<td>MWRC - ZERO WASTE MANAGEMENT PLAN</td>
<td>10,000</td>
<td>1,800</td>
</tr>
<tr>
<td></td>
<td>GEN</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Statutory Environment

Local Government Act 2005,

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications

None Known

Financial Implications

No impact to the bottom line of for the 2013/14 budget

Strategic Implications

Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

Consultation

MIS

Shire President
Comment
Nil

Voting Requirements – Absolute Majority

Officers and Committees Recommendation – Item 13102.4

1. Endorse the following budget variation reducing the allocation to the MWRC – Zero Waste Management Plan and the establishment of a new Capital account titled, Plant and Equipment, Communication Repeater with an amount of $8,200:

<table>
<thead>
<tr>
<th>ACCOUNT NO</th>
<th>NAME</th>
<th>CURRENT AMOUNT</th>
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<tr>
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<td>10005</td>
<td>MWRC - ZERO WASTE MANAGEMENT PLAN GEN</td>
<td>10,000</td>
<td>1,800</td>
</tr>
</tbody>
</table>

Carried: 7/0

COUNCIL RESOLUTION – ITEM 13102.4

Moved: Cr J Cunningham
Seconded: Cr P Waterhouse

1. Endorse the following budget variation reducing the allocation to the MWRC – Zero Waste Management Plan and the establishment of a new Capital account titled, Plant and Equipment, Communication Repeater with an amount of $8,200:

<table>
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</tr>
<tr>
<td>10005</td>
<td>MWRC - ZERO WASTE MANAGEMENT PLAN GEN</td>
<td>10,000</td>
<td>1,800</td>
</tr>
</tbody>
</table>

Carried: 7/0
Executive Summary
Listed are the roads graded for the month of June.

- Rabbit Proof Fence Road
- Summers Road
- Oversby North Road
- Forte Road
- Oversby South Road
- Taylors Road
- Oversby Road
- Rowe Road
- Oliver Road
- Hibbles Road
- Grant Road
- Metcalfe Road
- Chappel Road

Background
Nil

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
Nil
Strategic Implications

Area 1: Infrastructure and Natural Assets - Our Natural and Built Environment

Goal: A community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

Consultation
Nil

Comment
Nil

Voting Requirements – Simple Majority

<table>
<thead>
<tr>
<th>Officer and Committees Recommendation – Item 13105.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the road maintenance report for September 2013 be accepted as presented.</td>
</tr>
</tbody>
</table>

COUNCIL RESOLUTION – ITEM 13105.1

Moved: Cr L Butler  
Seconded: Cr P Waterhouse

That the road maintenance report for September 2013 be accepted as presented.

Carried: 7/0
Executive Summary

This report seeks Council consideration for the development of the Shire of Perenjori Road Use Policy 2013. The policy details will guide the Shire when negotiating agreements with road users and what costs can be recovered from heavy vehicle and excessive usage of the road network.

Background

The Shire of Perenjori has individual agreements with mining companies in regards to heavy vehicle & excessive usage of roads. There is an agreement with Karara for the maintenance of the access roads to the Karara mine site, and a usage agreement with Mt Gibson for the Perenjori to Mt Gibson Road.

Increased activities in haulage on the Shires roads, queries from various mining companies and our own observations have shown there is a need for a policy.

The following points provide a summary of the current problem:

- No existing policy creating inconsistency when negotiating agreements
- Extra workload with each request
- Potential for inadequate agreements being established because we are having to address queries on the run.
- Not clear or transparent process for operators, leaving us potentially open to criticism
- Excessive usage is being observed at times with no mechanism to deal with.

In order to address these concerns it is proposed to have a consistent generic road use policy and agreement to be implemented as required.

The objective of the agreement is to;

Enable the Shire to process requests efficiently and consistently; and importantly to secure funding from road users to construct, maintain and renew the Shire’s affected road assets to an appropriate standard of safety and access.

Dialogue has occurred with Main Roads, Shire of Yalgoo and WALGA to ascertain the ‘best practise’ approach to addressing road queries and concerns.

A draft agreement is attached for Council consideration.
Statutory Environment

The head of power which can be used to recover the costs calculated by this policy is found in the Road Traffic Act 1974, Section 85, Part 2.

Road Traffic Act 1974 - Part IV - Miscellaneous states:

Section 85. Power of local government to recover expenses of damage caused by heavy or extraordinary traffic

(1) Where it appears to a local government which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such local government in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such local government may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such local government by reason of the damage arising from such traffic as aforesaid.

(2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such local government as is mentioned in this section for the payment to it of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(3) For the purposes of this section the Minister shall be deemed the local government which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be credited to the Consolidated Fund.

(4) Proceedings for the recovery of any expenses hereunder shall be commenced within 12 months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than 6 months after the completion of the contract or work.

[Section 85 amended by No. 6 of 1993 s. 11; No. 14 of 1996 s. 4; No. 49 of 1996 s. 64.]

Policy Implications

This is a proposed new policy.
Financial Implications

The policy is designed to establish an effective user-pays system.
That any costs recovered from any agreement be held in reserve account solely for the purpose of capital upgrade and maintenance on the specific section of roads or roads which are listed on any permit/agreement.
The policy aims to minimise implications to the Shire of Perenjori with a user pays approach.

Strategic Implications

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment
Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

Consultation
Shire of Yalgoo
WALGA
Main Roads

Comment
There is no Council Policy on heavy vehicle or excessive road use and identifying the costs that we can recover. With the increased activity in the Shire and approaches made by companies and operators would be a good time to adopt. A policy would establish common factors for road use agreements between the Shire and the road user. This will allow the Shire to process requests efficiently and consistently, and to secure funding from road users to construct, maintain and renew the Shire’s affected road assets to an appropriate standard.

Mr Mark Bondietti, Policy Manager Transport and Roads from WALGA, has indicated WALGA can assist with the development of the policy and details of charges, as it is understood there needs to be ‘science’ behind numbers.

Voting Requirements – Simple Majority

Officers and Committees Recommendation – Item 13105.2
That Council support the development of a Shire of Perenjori Road Use Policy and Agreement.

COUNCIL RESOLUTION – ITEM 13105.2

Moved: Cr L Smith
Seconded: Cr J Cunningham
That Council support the development of a Shire of Perenjori Road Use Policy and Agreement.
Carried: 7/0
13106.1 PROPOSED CHANGE OF STREET NUMBERING - BUNJIL

APPLICANT: LANDGATE
FILE: ADM 0030
DISCLOSURE OF INTEREST: NIL
AUTHOR: PETER MONEY, ACTING MCDS
RESPONSIBLE OFFICER: ALI MILLS - CEO
REPORT DATE: 9TH SEPTEMBER 2013
ATTACHMENTS: MAP

Executive Summary
This item recommends the Council accepts the street number suggested by Landgate on the attached map.

Background
Landgate have advised the Shire that Deposited Plan 67162 has been lodged showing changes made in Bunjil & Perenjori in which new street numbering is being applied. For LGA’s Landgate currently provide suggested numbering for street addresses which are displayed on the surveys attached.

Landgate invites the Shire to advise them if their suggested address allocations are not suitable or if the Shire has alternative numbering preferences. On approval of the surveys the addresses as noted on the attached surveys (where applicable) will be displayed on the new Certificates of Titles when issued.

Please note street numbering for corner properties have been allocated an address which may be subject to change. Corner address can be re allocated at later date where new dwellings are constructed and the access point is determined or changed.

Statutory Environment
Nil

Policy Implications
Nil

Financial Implications
The 2013/14 budget has been developed incorporating these proposed changes.

Strategic Implications
Strategic Plan
Industry & Business Development
13. Land Development Projects
Consultation
Council; Landgate.

Comment
Nil

Voting Requirements – Simple Majority

Officers Recommendation – Item 13106.1
That the Council advises Landgate that it accepts the street numbering suggested for Bunjil as shown on the attached map.

COUNCIL RESOLUTION – ITEM 13106.1

Moved: Cr L Butler
Seconded: Cr P Waterhouse
That the Council advises Landgate that it accepts the street numbering suggested for Bunjil as shown on the attached map.

Carried: 7/0
Council to advise of numbering if/when applicable
Executive Summary

This item seeks Council endorsement to formally request to the Department of Lands (DOL) that the Shire of Perenjori be provided with the power to lease and licence be added to the Management Order for Reserve 21977, being the Perenjori airport land.

Background

The Council has approved the construction of an aircraft hangar by Aero Surveys Pty Ltd subject to the applicant Mr John Sparkman receiving building approval. The site for the hangar is to be determined by discussion with the applicant and the Shire staff.

The applicant has submitted a building application with a site plan but will want some certainty of tenure in the form of a written agreement prior to proceeding with the building. The land is Reserve 21977 and is for the purpose of “Aerial Landing Ground”.

It is noted the Shire has management over the reserve but does not have power to lease or licence under the terms of the management order. The structure of a hangar would be considered ancillary to the purpose of the reserve by DOL thus requiring a variation to the management order.

The Department of Lands (DoL) will require the Shire to formally write in and request that power to lease and licence be added to the Management Order and provide a council resolution in order to then allow the Shire to offer lease arrangement/s to interested people.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Area 2: Industry and Business Development – Our Economy
Goal: Fostering and maximising growth across the economy, embracing opportunities for diversifying and strengthening our economic base.

Consultation
John Sparkman
Department Of Lands

Comment
Nil

Voting Requirements – Simple Majority

<table>
<thead>
<tr>
<th>Officers Recommendation – Item 13106.2</th>
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<tbody>
<tr>
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<tr>
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<td>Carried: 7/0</td>
</tr>
</tbody>
</table>
Executive Summary

This item seeks Council’s endorsement of the recommendation to not accept any tenders for tender 02/2013 and to proceed with exploring other options for the Perenjori Business Development Project.

Background

The Perenjori Business incubator centre is aligned with the Perenjori Shire’s strategic development object Area 2 – Industry and Business Development – Our Economy goal “Fostering and maximizing growth across the economy, embracing opportunities for diversifying and strengthening our economic base.” This project is a High priority project within the Shire of Perenjori’s Corporate Business Plan.

Council has allocated funds in the 2013/14 budget of $455,000 for the project for Phase 1, as the first part of a three phase project. These funds will enable the construction of three individual work shop areas and ablution facilities to support them.

Tenders for the construction of phase 1 were advertised in the West Australian on the 6th July 2013 and in the Geraldton Guardian on the 5th July 2013.

Two complete tenders were received which were presented to the Architects, Eastman, Poletti, Sherwood for assessment against the criteria and understanding of the design and building requirements. Councils CEO and Coordinator Economic and Community Development completed a more detailed assessment based upon the compliance and qualitative criteria.

The two tenders received did not meet all the Compliance Criteria as information was limited or not provided. The criteria for the tender included:

- Relevant experience
- Key personnel Skills, experience and resources
- Demonstrated Understanding
- Tenderers resources
Two areas of the qualitative criteria were not adequately met for both tenders, with limited information and detail provided to enable a thorough assessment. As a result one tender has not passed the 50% mark, whilst the other tender has a score of 59%. Both of these presenting with concerns in their capacity and ability to complete the works as presented in the documentation.

Consequently this report is recommending neither of the tenders be accepted and alternative options be pursued by the CEO, in order to achieve the desired outcomes for the community and project.

**Statutory Environment**

Section 3.57 Local Government Act 1995 (“the Act”)
Part 4 Local Government (Functions and General) Regulations 1996 (“the Regulations”)
Local Government (Functions and General) Amendment Regulations 2007 (“the Regulations”)
Trade Practices Act (Cth) 1974

**Policy Implications**

Council’s purchasing policy provides the guidelines for the tendering process.

**Financial Implications**

$455,000 has been allocated in the 2013/14 budget, $255,000 from the local CLGF

**Strategic Implications**

Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

**Consultation**

WALGA
Shires of Perenjori Building Maintenance Officer
Eastman, Polletti and Sherwood Architects

**Comment**

The tender process did not attract the interest for a competitive quality process, with the two tenders received lacking in the provision of information and detail to provide the confidence required to award a contract. Dialogue with Council’s Building and Maintenance Officer has indicated there may be other options available to achieve the same outcome for the project. Council’s CEO will pursue these and report to Council on progress of the project.

**Voting Requirements – Simple Majority**
Shire of Perenjori
Ordinary Council Meeting
MINUTES
17th October 2013

Officers Recommendation – Item 13106.3
That Council endorses the following, meeting the Regulations as detailed in Section 3.57 Local Government Act 1995:
1. Not select any tenders for RFT 02/13 Perenjori Business Development Project, on the basis of the assessment conducted and charge the CEO with the task to explore other opportunities to achieve the required outcomes for the project and community.

COUNCIL RESOLUTION – ITEM 13106.3
Moved: Cr J Hirsch
Seconded: Cr H Wass
That Council endorses the following, meeting the Regulations as detailed in Section 3.57 Local Government Act 1995:
1. Not select any tenders for RFT 02/13 Perenjori Business Development Project, on the basis of the assessment conducted and charge the CEO with the task to explore other opportunities to achieve the required outcomes for the project and community.

Carried: 7/0

Declaration of Impartiality Interest
Cr L Smith, Cr P Waterhouse, Cr H Wass, Cr C King, Cr J Hirsch, Cr L Butler declared an Impartiality Interest in item 13106.4 Support to the Shires Golf, Bowls and Sporting Clubs, because they are either a member or officer of the clubs. They are allowed to discuss and vote for item 13106.4.

13106.4 SUPPORT TO THE SHIRES GOLF, BOWLS AND SPORTING CLUBS FOR 2013/14

APPLICANT: SHIRE OF PERENJORI
FILE: ADM 0016 and ADM 0017
DISCLOSURE OF INTEREST: Nil
AUTHOR: ALI MILLS - CEO
RESPONSIBLE OFFICER: ALI MILLS - CEO
REPORT DATE: 117th OCTOBER 2013
ATTACHMENTS MOU
Executive Summary

This item seeks Council’s consideration of continued financial support to the Latham and Perenjori Golf and Bowls Clubs for the 2013/14 financial year.

Background

This item was presented to Council at the Ordinary meeting held on 19th September 2013, however due to uncertainties with regards to disclosures the item was deferred to allow for a clarification of declarations and the ability or not for Councillors to participate in discussion and decision making on this matter.

Advice received referred to the Codes of Conduct 2007 Stating;

LOCAL GOVERNMENT (RULES OF CONDUCT) REGULATIONS 2007 - REG 11

11. Disclosure of interest

(1) In this regulation —

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

(2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subregulation (2) does not apply if —

(a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or

(b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

(5) If, under subregulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —

(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If —

(a) under subregulation (2)(b) or (4)(b) a person’s interest in a matter is disclosed at a meeting; or

(b) under subregulation (5)(b) notice of a person’s interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

In summary it is a requirement for Councillor’s and employees to declare any interest including that of impartiality, where it could be perceived that a person’s involvement or relationship could affect their ability to remain impartial when involved in decision making. A disclosure of this interest does not exclude people from participating in decision making.

Request from Council to Review Support Provided to Clubs

As a response to queries made by Council at the Ordinary meeting on 18th July 2013, information has been gathered to ascertain the level of support and assistance which has been provided to the Sporting Clubs across the Shire along with support needed and/or expected to be provided in the coming year/s.

Memorandum of Understanding

Information from clubs has been sought along with a review of support provided to various sporting Clubs to assist with previous budget deliberations and to understand the original intent of the support and if this will still be required by clubs. This has involved researching back over the past 5 years to identify financial contributions made to clubs and for what purpose. The research has emerged agreements which were in place in 2006 between the Shire of Perenjori and Latham Golf and Bowls Clubs. The agreements were in the form of an MOU which involved the Shire of Perenjori providing a sum of money per year to enable the employment of a person or person/s to conduct maintenance for both the Bowls and Golf Clubs in each community.

The MOU dated 2006, to Perenjori and Latham Golf and Bowls Clubs, stated the following:

1. Maintenance of the bowling green and golf course will be the responsibility of the clubs.

2. The clubs have selected xxxxxxxxxxx as a contractor to perform this maintenance work for the clubs.

3. XXXXXXXXXXX has agreed to perform the work for a flat fortnightly fee regardless of the hours worked in any month, recognising that there is more work leading up to and during bowling season.
The Shire will:

4. Provide funds up to $26,500 per annum towards the cost of this maintenance effort including:
   - Pay on invoice to the greenkeeper an amount Current costs of t of $960.00 Plus GST per fortnight
   - Pay such other costs as may be required to providing training for the greenkeeper up to a maximum of $1,540 Plus GST.

5. Continue to provide support for those tasks not directly associated with the employment of a greenkeeper. This would include, for example, maintenance of the equipment, and supply necessary materials.

Past and Current Support Provided

It is unknown the detail of agreements that are in place now, with no documented details in writing to support any anecdotal information from various parties. It is evident the Latham Golf and Bowling Club has received regular payments over the past 4 years of $3000 (exc gst) per month. In addition water usage, pest control, sand supplies and materials have also been paid for by the Shire.

Payments to the Perenjori Golf and Bowls areas has been quite mixed with payments initially made to employ a Green keeper from 2006 to October 2011, and then considerable labour allocations were made when this position became vacant, to more recent when two allocations of $1500 were made. A rebate of 75% water and 25% power usage was provided to the Perenjori Sports Club valuing at $6000 for 2012/13, and a one off payment for insurance of $5000 was paid in 2012/13.

Budget Allocation 2013/14

The current allocation in the budget for Golf and Bowls is $25,000. This amount took into consideration the conversion of grass to synthetic turf for both Bowling greens in Perenjori and Latham. If divided evenly each club would receive $12,500 per annum.

Club Information

The Latham Golf and Bowling Clubs operate together which includes the operations of the Club bar, kitchen and facility. The Perenjori Sports Club, Perenjori Bowls Club and Perenjori Golf Clubs all operate separately with their own income and expenditure amounts for each area.

Each Club was written to by the CEO at the end of July 2013 requesting the following:

1. Does your club continue to require ongoing financial support from the Shire of Perenjori?
2. If so can you provide details of how much and for what purpose the financial support would be used?
3. Can you provide the Shire with details of your budget for the previous and current financial years. (Income and Expenditure statement for 2012/13 and 2013/14).
4. Any other information you feel would be helpful for Council to have regarding your Club.

The Latham Golf and Bowls Club have provided the following information:
Current maintenance costs, estimated at approx. $8,000 per annum

Account Balance Details

Future needs – for projects, estimated at $85,000 including, replacement mowers, artificial turf tees, fairway markers, flags poles and cups, tables and chairs and carpet.

The Perenjori Sports Club has provided the following information:

- Profit and Loss statement
- Indication of previous assistance and current needs, includes $6000 power and water rebates, building insurance approx. $5000,
- Current operational costs,

The Perenjori Golf Club has provided the following information:

- Current maintenance costs estimated at approx., $5000 per annum
- Annual Financial Statement, with current balance
- Future needs – for continued improvement to upgrade the facility, estimated approx. $27,000.

Statutory Environment
Local Government (rules of conduct) regulations 2007 - reg 11

Policy Implications
Council has a Donations Policy, which does provide some minor support to Community based groups and Clubs within the Shire. The recommendations support the principles within the Donations Policy.

Financial Implications
NIL

Strategic Implications
Area 3: People and place – Our Community
Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities, and services to enable people to meet their needs and achieve their potential.

Consultation
Perenjori Sports Club
Perenjori Bowls Club
Perenjori Golf Club
Latham Golf and Bowls Club

Comment
Council’s resources are increasingly becoming limited requiring careful review and application of funds for expenditure areas. Whilst MOU’s were in place in 2006 with Perenjori and Latham, Golf and Bowls Clubs, these arrangements have not kept pace with the current situation and would benefit from a review. There have been inconsistencies with contributions made across the Clubs with the intentions not well documented.

Voting Requirements – Simple Majority

**Officers Recommendation – Item 13106.4**

That Council:

1. Allocate the 2013/14 budget account of Golf and Bowls Expense #11408 evenly across the Perenjori Golf Club and Latham Golf and Bowls Club, providing $12,500 (exc gst) each per annum.

2. Request the CEO write to each of the Golf and Bowls Clubs to advise that:
   
   i. A Memorandum of Understanding providing details of the payments and their use will be established;

   ii. Funds can be available to contribute to projects and capital items through the Mount Gibson Community Benefit Fund.

**COUNCIL RESOLUTION – ITEM 13106.4**

Moved: Cr J Cunningham          Seconded: Cr L Butler

That Council:

1. Allocate the 2013/14 budget account of Golf and Bowls Expense #11408 evenly across the Perenjori Golf Club and Latham Golf and Bowls Club, providing $12,500 (exc gst) each per annum.

2. Request the CEO write to each of the Golf and Bowls Clubs to advise that:

   i. A Memorandum of Understanding providing details of the payments and their use will be established;

Funds can be available to contribute to projects and capital items through the Mount Gibson Community Benefit Fund.

Carried: 7/0
Executive Summary

This item seeks Council’s endorsement of the closure of the administration building between Christmas and the New Year.

Background

Office Closure

In previous years the administration staff and Depot observed a Christmas/New Year stand down in which the main was closed during the period between Christmas and New Year. These Christmas stand downs have been successful and there was no evidence that there was any adverse impact or effect on the public. It would be proposed that a similar Christmas stand down be observed over the period between Christmas and New Year 2013/2014.

The proposal would be that the Christmas stand down is advertised to the general public and that alternative contact numbers are provided in the event that urgent action needs to be undertaken by resident staff.

Where a Christmas stand down is invoked, all staff will be expected to take that time off either using rostered days off or annual leave. The proposed closure will be from 12 noon Tuesday, 24th December 2013 and re-opening at 8.00am Thursday 2nd January 2013 (6.5 days in total) with 3 of these days being Public Holidays.

Christmas Function

The Council has traditionally put on a single end of year staff and Council Christmas function in order to recognise the efforts of all throughout the calendar year. This event in 2012 was held at the Perenjori Sports Club and is proposed for a similar event to be held after Council’s Ordinary meeting on Thursday 19th December 2013.

Statutory Environment

None Known

Policy Implications

None Known

Financial Implications

Funds for the Christmas function are included in the existing budget allocations for Council functions.

Strategic Implications
Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

**Consultation**

Nil required

**Comment**

Office Closure

The annual Administration Christmas/New Year stand down would appear to be an appropriate response where there is not a high volume of counter or telephone enquiries, and where there is no particular need to have the administration building open at what is otherwise considered a very quiet part of the year.

End of Year Function

This event provides opportunity for all Councillors and staff to join together and have a Christmas meal and drinks. The function signifies the end of the calendar year and acknowledges the efforts by all to achieve over the year.

**Voting Requirements- Simple Majority**

**Officers Recommendation – Item 13106.5**

That the Council –

1. Note the observance of a Christmas stand-down for staff with the office to be closed from 12 noon Tuesday 24th December and reopening 8.00 a.m. Thursday 2nd January 2014.

2. Support a Councillor/Staff Christmas function on 19th December 2013 commencing at 6.00pm, at the Perenjori Sports Club.

**COUNCIL RESOLUTION – ITEM 13106.5**

Moved: Cr L Smith  
Seconded: Cr P Waterhouse  

That the Council –

1. Note the observance of a Christmas stand-down for staff with the office to be closed from 12 noon Tuesday 24th December and reopening 8.00 a.m. Thursday 2nd January 2014.

2. Support a Councillor/Staff Christmas function on 19th December 2013 commencing at 6.00pm, at the Perenjori Sports Club.

Carried: 7/0

David Fong - SFO left the meeting at 2.17pm.
13106.6 CONFIDENTIAL ITEM – APPOINTMENT OF MANAGER CORPORATE AND DEVELOPMENT SERVICES

APPLICANT: SHIRE OF PERENJORI
FILE: ADM 0180
DISCLOSURE OF INTEREST: Nil
AUTHOR: ALI MILLS - CEO
RESPONSIBLE OFFICER: ALI MILLS - CEO
REPORT DATE: 17TH OCTOBER 2013
ATTACHMENTS NIL

Council Resolution – Item 13106.6

Moved: Cr J Cunningham Seconded: Cr J Hirsch

That Council endorse the appointment of Mr Peter Money as the Manager Corporate and Development Services with the Shire of Perenjori, offering a three year standard WALGA contract and the remuneration package as presented.

Carried: 7/0

13107 PROJECT STATUS REPORT

APPLICANT: SHIRE OF PERENJORI
FILE: Nil
DISCLOSURE OF INTEREST: 0
AUTHOR: ALI MILLS–CEO
RESPONSIBLE OFFICER ALI MILLS–CEO
REPORT DATE: 17TH OCTOBER 2013
ATTACHMENTS PROJECT STATUS REPORT
SUMMARY

The project status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the project status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Officers Recommendation – Item 13107

Council accepts the Project Status Report as presented.

COUNCIL RESOLUTION – ITEM 13107

Moved: Cr J Hirsch Seconded: Cr P Waterhouse
Council accepts the Project Status Report as presented.
Carried: 7/0

13108 STATUS REPORT

APPLICANT: SHIRE OF PERENJORI
FILE: Nil
DISCLOSURE OF INTEREST: 0
AUTHOR: ALI MILLS–CEO
RESPONSIBLE OFFICER: ALI MILLS–CEO
REPORT DATE: 17TH OCTOBER 2013
ATTACHMENTS Status Report

SUMMARY

The status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Officers Recommendation – Item 13108

Council accepts the Status Report as presented.

COUNCIL RESOLUTION – ITEM 13108

Moved: Cr L Smith Seconded: Cr J Cunningham
Council accepts the Status Report as presented.
Carried: 7/0
13109 OTHER BUSINESS

13109.1 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

13109.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13109.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13109.4 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Council Meeting will be held on the 21st November 2013 at 7pm.

13109.5 CLOSURE

Cr C King declared the meeting closed 2.36pm

I certify that this copy of the Minutes is a true and correct record of the meeting held on 17th October 2013.

Signed: ________________________

Presiding Elected Member

Date: ________________________