



**MINUTES**  
OF THE  
ORDINARY MEETING  
OF COUNCIL  
HELD ON  
TUESDAY, 25 OCTOBER 2011

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

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I certify that this copy of the Minutes is a true and correct record  
of the meeting held on  
25 October 2011

Signed: .....  
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING  
TO BE HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 25 OCTOBER 2011  
COMMENCING AT 4.00PM**

<b>PRESENT:</b>	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr R T McClurg (Deputy President) Cr K J Hepworth Cr J A R Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner Mr A S Wootton – Works Manager
	Press	Mrs I Cochrane
<b>GUESTS:</b>		Nil
<b>APOLOGIES:</b>		Mrs C M Palmer – Executive Assistant (EA)
<b>LEAVE OF ABSENCE:</b>		Cr J B Fitzhardinge

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings, especially to Mrs Cochrane and to newly elected Councillors Porteus and Smith.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Cr J B Fitzhardinge – Leave of Absence

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. PUBLIC QUESTION TIME**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL MOTION:**

**MOVED: Cr West**

**SECONDED: Cr Scott**

*That application for leave of absence requested by Cr Fitzhardinge is granted for the Ordinary Council Meeting being held on 25 October 2011.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**6. PETITIONS**

Nil

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 SEPTEMBER 2011**

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A copy of the Minutes of the Ordinary Council Meeting held on 27 September 2011 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED: Cr Hepworth**

**SECONDED: Cr Scott**

*That the Minutes of the Ordinary Council Meeting, held on 27 September 2011, be confirmed as a true and accurate recording of that meeting.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 17 OCTOBER 2011**

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A copy of the Minutes of the Special Council Meeting held on 17 October 2011 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED:** Cr Porteus

**SECONDED:** Cr West

*That the Minutes of the Special Council Meeting, held on 17 October 2011, be confirmed as a true and accurate recording of that meeting.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

- 8.1 I offer Council's congratulations to the CEO, Mr Simmons, on his appointment and gazettal as a Justice of the Peace.
- 8.2 I wish to acknowledge the tragic accident and passing of Mr Keith O'Brien on Saturday 22 October 2011 and request that a card expressing our sympathy be sent to the family on behalf of Council and staff.

**COUNCIL MOTION:**

**MOVED:** Cr Hepworth

**SECONDED:** Cr McClurg

*That Standing Orders be suspended at 4.05 pm to enable discussion to take place in regards to the membership of Committees and appointment of Council delegates to Committees.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**COUNCIL MOTION:**

**MOVED:** Cr Hepworth

**SECONDED:** Cr Scott

*That Standing Orders be resumed at 4.21 pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

## 9. COUNCIL DELEGATES TO COMMITTEES

### COUNCIL DECISION:

**MOVED:** Cr West

**SECONDED:** Cr Porteus

*That the following Council Members and Council Officers be appointed as members and/or delegates to the Committees noted.*

#### **ADMINISTRATION CENTRE REFURBISHMENT COMMITTEE**

Previous Delegates: Crs Stuart Chandler, Rob McClurg and John Fitzhardinge

**That Cr Chandler, Cr McClurg and Cr Fitzhardinge be appointed to the Administration Centre Refurbishment Committee.**

#### **AGED HOSTEL COMMITTEE**

Previous Delegates: Crs Stuart Chandler, Rob McClurg, Ritchie Roberts, Bronwen Scott and the CEO

**The CEO advised that the Committee was no longer required and that the Shire President and CEO had been representing Council when meeting with the representatives of the Global Care Group (inc) to discuss the Residential Aged Care Facility.**

#### **AUDIT COMMITTEE**

Previous Delegates: Crs Kevin Hepworth, John Fitzhardinge and Ian West

**That Cr Hepworth, Cr West, and Cr Fitzhardinge, be appointed to the Audit Committee**

#### **BATAVIA REGIONAL ORGANISATION OF COUNCILS –(BROC)**

Previous Delegates: Crs Stuart Chandler and Rob McClurg

**That Cr Chandler, and Cr McClurg be appointed as Council delegates to the Batavia Regional Organisation of Councils (BROC)**

#### **BUSH FIRE ADVISORY COMMITTEE**

Previous Delegates: Cr Lance Wheeler

**That Cr Porteus, Cr Smith, the Director Corporate Service and the Shire Ranger be appointed to the Bushfires Advisory Committee**

#### **DONGARA DENISON COMMUNITY FESTIVAL COMMITTEE**

Previous Delegates: Executive Assistant

**That the Executive Assistant be appointed to the Dongara Denison Community Festival Committee**

#### **DONGARA COMMUNITY RESOURCE CENTRE COMMITTEE**

Previous Delegates: Executive Assistant

**That the Executive Assistant be appointed to the Dongara Community Resource Centre Committee**

**HERITAGE ADVISORY COMMITTEE**

Previous Delegates: Crs Bronwen Scott, Rob McClurg and Community Development Officer

**That Cr Scott, Cr McClurg, Cr Porteus, and the Community Development Officer be appointed to the Heritage Advisory Committee**

**LOCAL EMERGENCY MANAGEMENT COMMITTEE-(LEMC)**

Previous Delegates: Crs Stuart Chandler, Kevin Hepworth and the Manager Community Development.

**That Cr Chandler, Cr Porteus, the CEO and Manager Community Development be appointed to the Local Emergency Management Committee**

**MARITIME ADVISORY COMMITTEE**

Previous Delegates: Cr John Fitzhardinge

**That Cr Fitzhardinge be appointed to the Maritime Advisory Committee**

**MIDWEST REGIONAL ROAD GROUP COMMITTEE**

Previous Delegates: Crs Stuart Chandler and Ian West

**That Cr Chandler, Cr West and Cr McClurg (Proxy), be appointed to the Midwest Regional Road Group Committee**

**NATIONAL SEA CHANGE TASKFORCE COMMITTEE**

Previous Delegates: Cr Kevin Hepworth

**That Cr Hepworth and the CEO be appointed to the National Sea Change Taskforce Committee**

**NORTHERN COUNTRY ZONE OF WA LOCAL GOVERNMENT ASSOCIATION (NCZWALGA) COMMITTEE**

Previous Delegates: Crs Stuart Chandler, Rob McClurg and the CEO (Proxy)

**That Cr Chandler, Cr McClurg and the CEO (Proxy) be appointed to the Northern Country Zone of WA Local Government Association Committee**

**ROADWISE COMMITTEE**

Previous Delegates: Crs Ritchie Roberts, Bronwen Scott and the Works Manager

**That Cr Scott, Cr Smith and the Works Manager be appointed to the Roadwise Committee**

**TIDY TOWNS SUSTAINABLE COMMITTEE**

Previous Delegates: Crs Bronwen Scott, Rob McClurg, Manager Community Development and Executive Assistant

**That Cr Scott, Cr McClurg, Cr Porteus, Manager Community Development and Executive Assistant be appointed to the Tidy Towns Sustainable Committee**

**CARRIED BY ABSOLUTE MAJORITY**

**VOTING DETAILS:**

**7/0**

UNCONFIRMED



## 10. REPORTS

### CEO.466

**Subject:** Annual Electors Meeting  
**Reporting Officer:** Chief Executive Officer  
**Date of Report:** 30 September 2011  
**File Reference:** GV.CM.1  
**Voting Requirements:** Simple Majority

#### Report Purpose:

To set a date for the Annual Electors Meeting.

#### OFFICER'S RECOMMENDATION / COUNCIL DECISION:

**MOVED:** Cr Hepworth

**SECONDED:** Cr Scott

*That Council hold the Annual Electors Meeting at 5:30pm on Tuesday 22 November 2011 at the Ocean Room at the Irwin Recreation Centre.*

**CARRIED UNANIMOUSLY**

#### VOTING DETAILS:

**7/0**

#### Body/Background:

The Shire of Irwin will be adopting the 2010/11 Annual Report at this Council meeting and we now need to determine when and where to hold this year's Annual Electors Meeting.

#### Officer's Comment:

It is recommended that the annual electors meeting be held on Tuesday 22 November 2011.

#### Financial Implications:

Nil

#### Statutory Environment:

##### 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

##### 5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

#### Policy Implications:

Nil

**DCS.390**

**Subject:** Accounts for Payment  
**Reporting Officer:** Director Corporate Services  
**Date of Report:** 25 October 2011  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To receive the list of accounts paid under delegated authority during September 2011.

**OFFICER'S RECOMMENDATION / COUNCIL DECISION:**

**MOVED:** Cr Scott

**SECONDED:** Cr Porteus

*That the Accounts paid during September 2011, represented by Municipal Cheque Numbers 28285-28302, EFT payment numbers 11972 – 12025 totalling \$2,096,609.08 ,Trust Payment Cheque Numbers: 2264 - 2264 totalling \$1,000.00 & Police Licensing Payment No's PL030811– PL 290811 totalling \$51,092.41 be received.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2011.

**Policy Implications:**

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

**Statutory Implications:**

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 sub-regulation (1) or (2) is to be —
    - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
    - (b) recorded in the minutes of that meeting.

**DCS.391**

**Subject:** Financial Statements for the Period ending 30/09/2011  
**Reporting Officer:** Director Corporate Services  
**File Reference:** Minute Book  
**Date Prepared:** 25 October 2011  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 30 September 2011.

**OFFICER'S RECOMMENDATION / COUNCIL DECISION:**

**MOVED: Cr West**

**SECONDED: Cr McClurg**

*That the Monthly Financial Statement for the period 1 July 2011 to 30 September 2011 be received.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**Body / Background:**

The Monthly Financial Report to the 30 September 2011 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature & Type
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

**Officers Comment:**

Nil.

**Financial Implications:**

Nil.

**Statutory Environment:**

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

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
  - (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) recorded in the minutes of the meeting at which it is presented.

**Policy Implications:**

Nil.

**DCS.392**

**Subject:** 2010/11 Annual Report and Auditor's Report  
**Reporting Officer:** Acting Director Corporate Services  
**Date of Report:** 30 September 2011  
**File Reference:** CM.RE.1 / FM.AD.10.11  
**Voting Requirements:** Absolute Majority

**Report Purpose:**

To consider and accept the 2010/2011 Shire of Irwin Annual Report.

**OFFICER'S RECOMMENDATION / COUNCIL DECISION:**

**MOVED:** Cr McClurg

**SECONDED:** Cr Scott

- 1. That Council receives the Audit Report from Council's Auditors, UHY Haines Norton, for the year ending 30 June 2011.*
- 2. That Council accept the 2010/11 Annual Report, as circulated under separate cover, for the year ended 30 June 2011 and that local public notice be given of its availability as soon as practicable.*

**CARRIED BY ABSOLUTE MAJORITY**

**VOTING DETAILS:**

**7/0**

**Body/Background:**

The Local Government Act 1995 requires Councils to prepare and accept an Annual Report for each financial year by 31 December after that financial year.

**Officer's Comment:**

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is enclosed with the agenda papers for Councillors' perusal, consideration and acceptance.

Council's Auditors, UHY Haines Norton, have completed an audit of Council's financial records and have forwarded an audit report to the Shire President as well as a management letter.

Once the Annual Report has been accepted, Council is required to give local public notice of the availability of the Annual Report as soon as practicable.

**Financial Implications:**

Nil

**Statutory Environment:**

➤ *The Local Government Act 1995 Section 5.54 provides that the Annual Report is to contain the following:*

- A report from the Shire President;
- A report from the Chief Executive Officer;
- An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
- The auditor's report for the financial year;
- Such other information as may be prescribed.

- *The Local Government Act 1995 Section 7.2 provides:*
  - The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.
  
- *The Local Government (Audit) Regulations Section 10 provides:*
  1. An auditor's report is to be forwarded to the persons specified (Mayor or President, CEO and Minister) within 30 days of completing the audit.
  
  2. The report is to give the auditor's opinion on —
    - a. the financial position of the local government; and
    - b. the results of the operations of the local government
  
  3. The report is to include —
    - a. any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government;
    - b. any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law;
    - c. details of whether information and explanations were obtained by the auditor; and
    - d. a report on the conduct of the audit.
  
  4. Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified (Mayor or President, CEO and Minister) with the auditor's report.

**Policy Implications:**

Nil

**TP.524**

**Subject:** Proposed Local Planning Policy No 2 – Building Envelopes  
**Reporting Officer:** Town Planner  
**Date of Report:** 18 October 2011  
**File Reference:** LP.PO.2  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider for initial adoption, draft 'Local Planning Policy No 2 – Building Envelopes'.

**OFFICER'S RECOMMENDATION / COUNCIL DECISION:**

**MOVED:** Cr McClurg

**SECONDED:** Cr Scott

*That Council, pursuant to Part 2.4 of the Shire of Irwin Local Planning Scheme No 5, resolves to initiate 'Local Planning Policy No 2 – Building Envelopes', advertise the policy for public comment for a period of 21 days and thereafter consider any submissions prior to determination.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**Body/Background:**

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. They are not binding, but the local government is to have due regard to the provisions of a Local Planning Policy. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails. Local Planning Policies can be reviewed at any time.

**Officer's Comment:**

Under the Shire's Local Planning Scheme No 5, the rural living zoned areas, namely the Rural Residential Zone and the Rural Smallholdings Zone, require the identification of building envelopes on all lots prior to development, either as part of the subdivision process or at the planning approval stage. The purpose of a building envelope is to ensure development is clustered on the lot and to ensure environmental and rural amenity considerations (including fire management) are properly accounted for.

As a result of these Scheme provisions, there are now a substantial number of lots within the Rural Residential and Rural Smallholdings zones that are subject to building envelopes.

The Scheme however, does not include any further provisions indicating how a building envelope should be appropriately located, or the procedure to be followed in the event a lot owner wishes to relocate their approved building envelope.

The Shire does however, have the ability to adopt a local planning policy for this purpose under the Scheme. In this instance, such a policy would assist in elaborating on the Scheme provisions, (particularly relating to the location of envelopes) and to establish the procedure to be followed in varying an envelope.

As such, the draft policy provisions are split into two parts. Part 5.1 - 'Guidelines for the Location of Building Envelopes' outlines the necessary considerations for locating or varying a building envelope. This includes factors such as implications on cost of building, avoiding significant native vegetation, susceptibility to bushfire risk, visual amenity and preservation of rural landscapes, avoidance of land susceptible to degradation, boundary setbacks and others.

Part 5.2 – ‘Variations to Building Envelopes’ follows on from this by providing scope for the Shire to consider variations to approved envelopes and also to outline the procedure to be followed in applying for such.

Further to this, the policy includes Schedule 1 ‘Application Form – Building Envelope Relocation’. This provides a specific application form to be used by applicants wishing to vary an existing envelope, rather than using the generic planning application form which is more suited to proposals to develop land.

The draft Local Planning Policy No 2 – Building Envelopes is attached.

If the draft policy is initiated by Council, the next step will be for it to be advertised for public comment. In accordance with the Scheme, this would be for a minimum period of 21 days and include publication of a notice in both the Dongara Rag and the Geraldton Guardian for two consecutive weeks. At the conclusion of advertising, the policy, and any submissions, would be reported back to Council for consideration and final determination.

**Financial Implications:**

Cost to advertise in the Geraldton Guardian.

**Statutory Environment:**

Shire of Irwin Local Planning Scheme No 5:

*2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government -*

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of –
  - (i) where the draft Policy may be inspected;*
  - (ii) the subject and nature of the draft Policy; and*
  - (ii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;**
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.*

*2.4.2 After the expiry of the period within which submissions may be made, the local government is to –*

- (a) review the proposed Policy in the light of any submissions made; and*
- (b) resolve to adopt the policy with or without modification, or not to proceed with the Policy.’*

**Policy Implications:**

Proposed initial adoption of a Local Planning Policy for building envelopes.



**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil

**13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

Nil

**14. MATTERS BEHIND CLOSED DOORS**

Nil

**15. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 4.25pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on  
25 October 2011

Signed: .....  
Presiding Elected Member

Date:.....