



Date: 20 August 2015

**To: Shire President
All Councillors**

**Copy: Directors
Staff**

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 25 August 2015 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, appearing to read "Ian Curley", is centered on a light-colored rectangular background.

**Ian Curley
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**
3. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4.1 **PUBLIC QUESTION TIME**
- 4.2 **PUBLIC STATEMENTS**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **ORDINARY COUNCIL MEETING – 28 July 2015**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 28 July 2015 be confirmed as being a true and correct record of proceedings.

- 8.2 **SPECIAL COUNCIL MEETING – 4 August 2015**

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held 4 August 2015 be confirmed as being a true and correct record of proceedings.



9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 DIRECTOR TECHNICAL SERVICES
Nil

9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 ADOPTION OF AMENDMENT 34 TO TOWN PLANNING SCHEME NO. 7 – LOT 524 LOOK ROAD, WAROONA	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché – Director Development Services / Nil
Proponent:	Rowe Group
Landowner:	John James Look
Date of Report: 17/8/15	File No.: TPS7A34
Previous Reference:	Nil
Policy Implications:	Shire of Waroona Local Planning Strategy 2009 Draft South Metropolitan Peel Sub-Regional Planning Framework State Planning Policy No. 2.1 – Peel Harvey Coastal Plain Catchment State Planning Policy No. 2.5 – Land Use Planning in Rural Areas (SPP 2.5) Draft State Planning Policy 4.1 – Industrial Buffer Policy Waroona North Structure Plan 2007
Statutory Implications:	Planning and Development Act 2005 Town Planning Regulations 1967 Planning and Development Regulations 2009 Shire of Waroona Town Planning Scheme No. 7
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Amendment fees as per Regulations & Fees & Charges Schedule.
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>No.3 Strong Sense of Community & Community Wellbeing Activities</i>	

PROPOSAL SUMMARY

The proposal seeks the inclusion of Lot 524 Look Road, Waroona into Schedule IV (Additional Uses) under the Shire of Waroona Town Planning Scheme No.7 (TPS7) to enable the existing industrial use of the site for the purposes of repairing, modifying and maintaining large and heavy vehicles, plant and equipment. A copy of the amending documentation is at **APPENDIX 9.2.1A**.

An Outline Development Plan (ODP) associated with the amendment provides development guidelines for the use of the site in accordance with the proposed Schedule IV text. See ODP at **APPENDIX 9.2.1B**.

The amendment is in its initial stages and requires Council to resolve to initiate this amendment prior to any further assessment. At this stage Council needs to decide whether it is supportive of this proposal in this area subject to further assessment as the amendment process progresses.



BACKGROUND / INITIAL COMMENTS

The subject site is located on Look Road, Waroona, approximately 4km north of the Waroona townsite. See site location map at **APPENDIX 9.2.1C**. Access to the subject land is via Look Road, which connects to Hall Road.

Lot 524 is 111 ha and is cleared established farmland. Existing improvements on the lot include various farm sheds, a single house and a machinery workshop.

The use of the site for industrial purposes has been established for a considerable time, however during initial investigations and review of Shire records no evidence of non-conforming use rights existing or the use having been lawfully established have been located.

PLANNING – STRATEGIC IMPLICATIONS

Draft South Metropolitan Peel Sub-Regional Planning Framework (DSMPSRPF)

Lot 524 is identified by the DSMPSRPF for preservation as rural land. It is an objective of the DSMPSRPF to

“promote employment opportunities and increase the number of people who live and work within the sub region with a focus on employment within the strategic metropolitan centres and key strategic industrial centres while maximising the use of existing infrastructure.”

Shire of Waroona Local Planning Strategy 2009 (LPS)

The subject lot is located within the Agricultural Precinct and is classified as General Agriculture. It is Councils objective to provide for the continued use of the area for a range of agricultural pursuits and low key tourist establishments.

Waroona North Structure Plan 2007

Lot 524 is located within the Waroona North Structure Plan Area. The structure plan identifies Lot 524 as Intensive Agriculture.

REFERRALS

Main Roads Western Australia Initial Comments

Given the potential for oversize and heavy vehicle movements associated with proposed industrial use of the land, preliminary comments have been sought from Main Roads Western Australia (MRWA).

MRWA has stated that there is no objection to the proposed amendment, subject to compliance with the various MRWA guidelines for Restricted Access Vehicles.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15 – 2023/24

This item contributes towards achieving Theme 3: Responsible Land Use Planning and Protecting Rural Land.



FINANCIAL ISSUES/IMPLICATIONS

Amendment fees have been received as per the Planning and Development Regulations 2009 and Council's Fees and Charges Schedule. If the amendment is not initiated, fees paid by the applicant that are not expended must be refunded to the applicant.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Planning and Development Act 2005.

Section 75 of the Act states that a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Section 81 of the Act states that when a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

- (a) Written notice of that resolution; and
- (b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

Section 84 of the Act states that after compliance with sections 81 and 82, a local planning scheme prepared or adopted, or an amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection in accordance with the regulations.

Town Planning Regulations 1967 (Regulations)

Section 13-1 (a) of the Regulations requires that the local government resolves to adopt a proposed scheme or amendment where the appropriate documents have been prepared.

Section 13-1 (b) of the Regulation requires that where a local government resolves not to proceed with an amendment it must notify the Western Australian Planning Commission of that resolution.

Section 15 of the Regulations requires that the local government advertise any proposed scheme or amendment for public comment.

Section 25-1 (fb) requires that an amendment to a scheme be advertised in a local newspaper and a period of 42 days be allowed for submissions to be received.

Planning and Development Regulations 2009

Part 7 of the Regulations prescribes Local government planning charges.

Regulation 48 prescribes fees applicable to scheme amendments and structure plans.

Regulation 48 (8) states “If the local government —

- (a) decides not to initiate the local planning scheme amendment or the adoption of a structure plan; or
- (b) decides to discontinue the preparation or adoption of a local planning scheme amendment or the adoption of a structure plan, moneys paid by the applicant to the local government for the planning service and not expended by the local government on the provision of that service must be refunded to the applicant.”

Peel Region Scheme 2003

The subject area is zoned Rural under the Peel Region Scheme.

Clause 12 (e) deals with the Rural zoning under the Scheme;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments”.

State Planning Policy No. 2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1)

The subject land is located within the Peel-Harvey Coastal Plain Catchment as depicted on the Shire of Waroona TPS 7 maps and the land is therefore subject to the provisions of the SPP. The objectives of the policy are:

- *to improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey Coastal Plain Catchment;*
- *to ensure that changes to land use within the catchment of the Peel Harvey estuarine system are controlled so as to avoid and to minimise environmental damage;*
- *to balance environmental protection, with the environmental viability of the primary sector;*
- *to increase high water using vegetation cover within the Peel Harvey Coastal Plain Catchment; and*
- *to reflect the environmental objectives in Environmental Protection Policy (Peel-Harvey Estuarine Systems) 1992, to prevent land use that is likely to result in excessive nutrient export into the drainage system.*

SPP 2.1 (Clause 6.5), makes provision for Industrial development in the catchment as follows:



6.5.1 Proposals to develop land for industry, where the industrial process would create liquid effluent, must include provision for connection to a reticulated sewerage system.

6.5.2 Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge or falls within the list of scheduled premises under Part V of the Environmental Protection Act. Some types of industrial development may require an impact assessment under Part IV of the Environmental Protection Act.”

The subject site is served by onsite effluent disposal systems. Maintenance and repairs associated with the proposed amendment are to be undertaken in such a manner that liquid and solid wastes are contained, treated and disposed of appropriately offsite, consistent with the Policy.

State Planning Policy No. 2.5 – Land Use Planning in Rural Areas (SPP 2.5)

The objectives of SPP2.5 are:

- a) *To protect rural land from incompatible uses by:

 - i) *requiring comprehensive planning for rural areas;*
 - ii) *making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and*
 - iii) *providing investment security for the existing and future primary production sector.**
- b) *To promote regional development through provision of ongoing economic opportunities on rural land.*
- c) *To promote sustainable settlement in, and adjacent to, existing urban areas.*
- d) *To protect and improve environmental and landscape assets.*
- e) *To minimise land use conflicts.*

Section 5.1 (a) of SPP2.5 requires that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme.

Draft State Planning Policy 4.1 – State Industrial Buffer Policy (Draft SPP4.1)

Clause 6.2 of Draft SPP 4.1 states that when preparing local planning strategies, local planning schemes and amendments, consideration shall be given to:

- i) managing and minimising the potential for land use conflict between industry and/or essential infrastructure and sensitive land uses;
- ii) timely and accurate identification of industry and essential infrastructure which require buffers; and
- iii) ensuring that proposals which in the opinion of the WAPC:
 - restrict the operation of important activities in industrial zones,
 - present substantial and deleterious off-site impact on the amenity, health, safety and security of the industrial area,

- inhibit the location of industries and activities with less off-site impact and risk towards the periphery of the industrial zone,
- limit the ability of the protected industry or infrastructure to achieve the ultimate planned capacity and operating efficiency;

Town Planning Scheme No. 7 (1996)

The subject land is currently zoned Rural 1 – General Farming under TPS7. The objective of the rural zones is stated as follows:

“Council’s objective is to preserve the rural character of the districts farming lands and to ensure that they continue to contribute materially to the districts economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council’s policies will therefore be to:

- *Permit land uses consistent with achieving the objective;*
- *Permit, at Council discretion, Rural Industry;*
- *Require that Intensive Agriculture be subject to the Planning Consent of Council;*
- *Support community endorsed objectives of minimising phosphorous run off to the Peel-Harvey Estuary including protection of remnant vegetation;*
- *Maintain open rural atmosphere by encouraging generous setbacks in accordance with Clauses 4.14.8 and 4.15.3.”*

Some industry uses, including cottage, rural, noxious, hazardous and extractive are able to be approved within the General Farming zone, however general, service and light industries are not permitted.

EPA Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses

Guidance statement No.3 establishes recommended separation distances between industry types and sensitive land uses defined under Draft SPP 4.1. These buffer distances are based on generic industry (and other activities which generate offsite impacts) types and profiles.

In the context of Guidance Statement No. 3 the uses which form part of the existing land uses for the site the following buffer distances are recommended by the EPA as follows.

Industry	Description	Impacts	Recommended Buffer Distance
Metal Fabrication	Sheet metal, structural metal and iron and steel products – up to 50,000 tonnes per year	Noise Dust	500m-1000m
Motor Body Works	Including panel beaters	Noise Dust Odour	200m
Automotive Spray Painting	Liquid paint is directed onto automotive surfaces by	Noise Dust	200m



	airless, electrostatic methods	compression, or other	Odour	
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COMMUNITY CONSULTATION

Community consultation is not required at this stage although it will be required in subsequent stages should Council decide to initiate the amendment. EPA and all relevant Government departments would also be consulted at the next stage.

OFFICER’S FINAL COMMENTS/CONCLUSIONS

EPA Guidance Statement No. 3

The nearest sensitive premises (dwelling) beyond the subject land is located approximately 600 metres from the existing workshop wherein the activities are carried out. This accords with the recommended separation distances for similar land uses by the guidance statement of 200m-1000m.

Access

MRWA comments on the proposal have not raised any fatal flaws with the proposal. Further investigation into the potential impacts on the local and regional and local road networks and the potential for developer contributions to the improvement and maintenance of roads will be required as part of the further assessment of the land use at development application stage, should Council choose to progress the amendment.

LPS

The proposed amendment is not consistent with the classification of the land as General Agriculture. The use of agricultural land for industrial purposes does not accord with the objective of the General Agriculture classification to provide for the continued use of the land for agricultural pursuits.

SPP 2.5

The proposed amendment is inconsistent with SPP 2.5 in that the proposed use of the land for industrial purposes is not planned for in the Local Planning Strategy or Town Planning Scheme.

Outline Development Plan (ODP)

The proposed ODP identifies areas for the uses associated with the industrial activity including machinery lay down, access and manoeuvring, general storage / set down and maintenance / repair workshops / related structures. Advice from Shire staff to the proponents stated that the area of operation indicated on any ODP should reflect the current area of operation and not allow for any expansion of the use on the site.



DSMPSRPF

While still in draft form the DSMPSRPF sets out the broad strategic direction for the sub region and land use within it. The establishment of industrial uses in isolated locations such as Lot 524 is contrary to the objective of carefully planning employment and industrial nodes. Lot 524 has not been indicated as an employment node or for industrial purposes in the framework.

Waroona North Structure Plan 2007

The amendment is not consistent with the structure plan as Lot 524 is identified as Intensive Agriculture in the plan.

Orderly and Proper Planning

The principles of orderly and proper planning dictate that industrial development should be carefully planned for and approached from a strategic viewpoint to ensure consistency with the broader planning framework and strategic objectives of the Shire and the WAPC. Strategic planning of this nature also ensures a coordinated approach to access, service provision and minimising the detrimental impacts on amenity.

In order to protect the rural use of land and ensure that industrial development takes place in the manner for which it has been strategically planned proposals for industrial development are required to be located in areas that have been identified by the Shire, WAPC and service providers as suitable within the planning framework.

Conclusion

The inconsistency of the proposed amendment with the planning framework including the Local Planning Strategy and by extension, SPP2.5 dictates that the proposed amendment should not be supported as it is not in accordance with proper and orderly planning.

CHIEF EXECUTIVE OFFICER'S COMMENTS

This application is unique in that it is from a business that has been in continuous operation since the 1990s (some 20 years) operating from an existing farm and has expanded from the servicing of farming machinery to now include mining machinery. Although Councillors and staff may have been aware of the business it was not aware that the required planning approvals had not been obtained until undertaking routine enquiries in 2012. Prior to 2012 and during its 20+ years in operation the business had not been the subject of any adverse finding by the Shire.

Due to the longevity of the business it represents a valuable employment opportunity for up to 15 employees in the area.

In the early 2000s the Council undertook extensive studies in an effort to establish an industrial zoned precinct outside of the Waroona townsite as this was identified as an important economic driver for this Shire; but was ultimately unsuccessful in its endeavours. This demonstrated its keen desire to promote and attract industrial business opportunities in this district.



By initiative a scheme amendment for this proposal the existing business will be afforded the opportunity of being further assessed by the WAPC and EPA allowing all avenues of possible approval to be explored.

It is therefore my recommendation that Council approves the initiation of the scheme amendment to allow the application to proceed to the next level of assessment.

Appendices Attached:	Yes	Appendices Numbers: 9.2.1A, B & C
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VOTING REQUIREMENTS

Simple Majority

PLANNING OFFICER RECOMMENDATION

That in relation to the proposed amendment to the Shire of Waroona Town Planning Scheme No.7 to include Lot 524 Look Road, Waroona in Schedule IV of the Scheme Council resolves:

1. Pursuant to Regulation 13-1 (b) of the Town Planning Regulations 1967, not to proceed with the scheme amendment for the following reasons:
 - a) The proposed amendment is contrary to the objectives of the General Agriculture classification of the land under the Shire of Waroona Local Planning Strategy 2009
 - b) The proposed amendment is contrary to the objectives of State Planning Policy 2.5 – Land Use Planning in Rural Areas.
 - c) The proposed amendment is inconsistent with the strategic planning frameworks of the State Government and the Shire including the Draft South Metropolitan Peel Sub-Regional Planning Framework, the Local Planning Strategy and the Waroona North Structure Plan.
 - d) The proposed amendment does not constitute orderly and proper planning.
2. To notify the Western Australian Planning Commission of its decision.

CHIEF EXECUTIVE OFFICER'S ALTERNATIVE RECOMMENDATION

- A. Initiates the Amendment to Town Planning Scheme No. 7 in accordance with Appendix 9.2.1, subject to the following changes:
 - i) The Outline Development Plan being modified to reflect the needs of the current area of operation of the industrial use of the site.
- B. Refer the above Amendment to Town Planning Scheme No.7 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005.
- C. Refer the Amendment to Town Planning Scheme No. 7 to the Western Australian Planning Commission for consent to advertise in accordance with Regulation 13 (2) of the Town Planning Regulations 1967.
- D. Advertise the amendment in accordance with the Town Planning Regulations 1967 should the EPA advise that the amendment does not require assessment and approval to advertise is granted by the Western Australian Planning Commission.

9.2.2 REVIEW OF LOCAL PLANNING POLICY 11.0 – HOME BASED BUSINESS	
Reporting Officer / Officer's Interest:	Chris Dunlop, Senior Town Planner / Nil
Responsible Officer / Officer's Interest	Louis Fouché, Director Development Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report:	18/8/2015
File No.:	TP 7 General 111/1
Previous Reference:	N/A
Policy Implications:	Shire of Waroona Town Planning Policy 11.0 – Home Based Business
Statutory Implications:	Planning and Development Act 2005; Shire of Waroona Town Planning Scheme No. 7;
Strategic Implications:	Shire of Waroona Community Strategic Plan 2014/15 – 2023/24
Financial Implications:	Cost of Advertising the Policy (Approximately \$700)
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): <i>Theme 3: Responsible Land Use Planning and Protecting Rural Land</i>	

PROPOSAL SUMMARY

Council is requested to consider adopting the amended Local Planning Policy 11.0 – Home Based Business (LPP11) at **APPENDIX 9.2.2A** for advertising.

BACKGROUND / INITIAL COMMENTS

Shire of Waroona Planning Officers have cited numerous operational issues in the everyday application of LPP11. Issues identified include:

- Inconsistency with anti-competitive business legislation;
- Legal status of home based business permits;
- Inconsistency with other Local Planning Policies; and
- Inconsistency with the Town Planning Scheme (TPS).

In order to address the above issues a number of changes have been made to the policy. These changes include:

- Updating definitions of land uses in accordance with the Town Planning Scheme;
- Clarifying use interpretations of home based businesses;
- Modifying approval and renewal processes to be consistent with the Town Planning Scheme;
- Removing provisions relating to commercial impact of home based businesses; and
- Removing provisions relating to applicants undertaking consultation.

A copy of the edited policy showing all changes is available at **APPENDIX 9.2.2B**.



PLANNING – STRATEGIC IMPLICATIONS

Local Planning Strategy (LPS)

The LPS serves as Council's main strategic planning instrument guiding development within the Shire. The LPS outlines land uses that are permissible and discretionary within the six (6) precincts of the Shire. The classification of these land uses as permitted or discretionary is then reflected in Table 1 of the TPS. LPP 11 sets the provisions for the assessment and approval of the various land uses that constitute home based business.

Planning Policy 1.0 Community Consultation

The objective of this policy is to provide clarification and guidance in the assessment of proposals for home based businesses.

REFERRALS

None applicable.

INTERNAL REFERRALS

The draft policy will be referred to internal departments, prior to being referred to Council for final adoption.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15 – 2023/24

This item contributes towards achieving Theme 3: Responsible Land Use Planning and Protecting Rural Land.

FINANCIAL ISSUES/IMPLICATIONS

Cost of Advertising the Policy (Approximately \$700).

POLICY ISSUES/IMPLICATIONS

None applicable.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and provide the head of power for the enforcement of the Scheme and any policies adopted under it.

Town Planning Scheme No.7

Clause 4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the TPS, the various uses permitted in the TPS area in the various zones, such uses

being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

In accordance with Clause 2.4 of the Scheme, once a Draft Town Planning Scheme Policy has been developed, Council needs to resolve to adopt the draft policy and then advertise the policy for a minimum period of 21 days. All submissions to the draft policy need to be considered by Council and then Council can resolve to adopt the policy, amend it or not proceed with the policy.

Clause 8.4 of the Scheme states that where Council grants planning consent, conditions may be imposed limited the duration of the approval.

Although a town planning scheme policy does not bind Council, it shall have regard for the policy when making a decision.

LEGAL ISSUES / IMPLICATIONS

None applicable.

COMMUNITY CONSULTATION

In terms of Clause 2.4.1 of the TPS a Draft Planning Policy is to be advertised for two consecutive weeks in a local newspaper, allowing a minimum of 21 days for submissions. Council must consider submissions received on the draft policy and subsequently decide to adopt or not proceed with the Policy.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

Particular procedural issues, identified by officers during the everyday application of LPP11, have instigated the requirement for its amendment. It is envisaged that the updated Policy will aid the Planning Department in processing Planning Consent applications. A clear and consistent policy will also benefit applicants and the general community.

Issuance of Temporary Approvals

The previous method of issuing a planning consent for a home based business and requiring annual renewals was legally ambiguous as it does not appear as though there is a head of power for the annual renewal process. In order to address this matter the Draft LPP11 requires that planning consents for home based businesses be issued for a period of 1 year, after which a new planning consent is required to be issued for the continued operation of the business.

Advertising Undertaken by Applicant

The current LPP11 requires that applicants undertake consultation with affected neighbouring property owners. This practice is not considered appropriate in the contemporary planning industry and has the potential to compromise the integrity of the planning process. As such the consultation procedure has been removed from LPP11 and consultation will be undertaken by the Shire in accordance with Local Planning Policy 1 – Community Consultation.

Conclusion

The amended policy will provide greater clarity and efficiency around the assessment and approval of home based businesses. The Policy will be more consistent with the Model Scheme Text, the TPS and the other LPPs. It is therefore recommended that Council adopt the draft policy on Home Based Business for advertising purposes.

Appendices Attached:	Yes	Appendices Numbers: 9.2.2A & B
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That pursuant to Clause 2.4 of the Shire of Waroona Town Planning Scheme No. 7 Council resolves to advertise the Draft Local Planning Policy 11.0 – Home Based Business in accordance with the requirements of Clause 2.4.1 of Town Planning Scheme No. 7.

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18/8/15	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers: 9.3.1
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<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8084 - 8104	\$97,991.39
Trust (Cheque/EFTs)	EFT 20780, 20781, 20915 & 20928 Chqs: 11055 - 11058	\$99,372.23
Electronic Transfers Municipal Fund	EFT 20780 to 20943	\$662,782.00
Direct Wages	01/7/2015 – 31/7/2015 inclusive	\$164,147.46
Direct Debits	1/7/15 – 31/7/15	\$2,386.74
GRAND TOTAL:		<u>\$1,026,679.82</u>
and attached at Appendix 9.3.1 be endorsed.		



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2015 TO 31 JULY 2015	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 19/8/15	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	No	Appendices Numbers:
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Due to the recent adoption of the budget – there will be no monthly report for the period ending 31 July and 31 August. Both the July and August reports will be submitted to the September Ordinary Council meeting.

9.3.3 LONG TERM FINANCIAL PLAN – 10 YEAR PLAN [BROAD PROJECTIONS]	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator of Corporate Planning/Nil Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Nil Interest
Proponent:	NA
Landowner:	NA
Date of Last Report: 18 August 2015	File No.:1111/1 and 11/1
Previous Reference:	9.4.4 of 26 August 2015
Statutory/Policy Implications:	Each Council must adopt a LTFP, and it is best done in conjunction with the Corporate Business Plan
Strategic Implications:	This 10 Year LTFP sets certain directions, with emphasis on the items contained in Council's Strategic Community Plan
Financial Implications:	The LTFP, and the associated Ratios and related Policies, set broad Goals for a Council to aspire to meet.
Asset Mgt. & LCC Implications:	This Plan is a further extension of the Corporate Business Plan. Expending minimum amounts on each Class Of Asset each year is expected
Workforce Implications:	The proposals include staffing issues, and follow the items included in Council's recently adopted Workforce Plan.
Voting Requirements	Simple Majority
LINKED TO STRATEGIC OBJECTIVE (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL

To adopt a "Plan for the Future" via a number of segments, including a 'Long Term Financial Plan [LTFP], which is a broad 10 year Financial Plan. A separate, shorter, plan, being the Corporate Business Plan, is a separate Agenda report item.

BACKGROUND/INITIAL COMMENTS

In 2013 many new statutory requirements became applicable, but basically the Dept of Local Government are trying to get Councils to view things in multiple year terms, and not just follow the previous 'single year Budget' approach. The initial emphasis is on viewing specific Asset proposals over a shorter period of 4-5 years [IE: Via a Corporate Business Plan], as well as any longer term effects, which is the main objective of a LTFP. It is obvious that Council will be unable to fund many significant works in the short term, but much of the backlog can be afforded in the later years.

The expectations are that Councils should attempt to cater for existing Assets initially, and for them to be given high priority before any consideration of establishing new 'extra' Assets [replacement of older Assets is viewed as good management]. It is expected that there will also be contemplation of the On-Going effects of new 'extra' Assets [via a "Whole-Of-Life" approach], as such items could add to a Councils future Operational Costs.

A crucial consideration for a LTFP is that what is proposed and adopted is manageable and affordable by the Shire of Waroona. All Councils will be expected to meet minimum KPI Ratio levels by the end of a specific period, which is what is proposed in the attached LTFP.

Every year new “flavour of the month” items arise, but these should not necessarily be given precedence over the ‘Long Term’ items. If such issues are continually given preference, then that interferes with the main objectives, and the higher goals may not be achieved. Crucially, the Asset Ratios of Renewals and Sustainability may not be met. The emphasis of a LTFP is to view and pursue specific Asset proposals over the medium to longer term, and to propose how these may be afforded.

Short term changes by the other tiers of government can have major effects on the lowest level, being Local Government. Since the 2012/13 year, there have been large reductions in Operational Grants and a variety of Capital Grants, commencing in the 2014/15 year by both the State and Federal Governments. Further possible cost shifting by the other 2 tiers of government is a matter for concern.

Fortunately the Federal Government has substantially increased its “Roads to Recovery” program, and this will greatly assist.

Another major difference to that of the August 2014 report is that it now appears that the proposed developments for Preston Beach will now not proceed, and therefore the longer term projections are significantly affected. However, with changes in operations effected during the 2014/15 year, then the Operational Summary now looks much better than it appeared some months ago.

PLANNING – STRATEGIC IMPLICATIONS

There are no Town Planning implications from the LTFP.

REFERRALS

None Applicable

FINANCIAL IMPLICATIONS

The Department of Local Government [DLG] advocates longer term approaches, and moving away from the old ‘single year’ focus. They are suggesting that Councils consider budgeting for a surplus each year or transfers to reserves, with those funds to then be carried forward to help fund one or more projects in future years.

The main proposals of all LTFP are ‘Capital’ related, and give directions for what could occur for the next 10 years, issues, including movements to and from Reserves as well as any possible Loan Borrowings and Debt Servicing issues.

High expenditures on each Class of Asset are expected, as has been revealed by the respective Asset Management Plans. Good Management requires that those Assets which are the sole responsibility of a Council should receive high priority, and therefore financial allocations, over all other items.

There are a number of supporting attachments which the DLG expects Councils to provide, being as follows:-

- ✓ Statement of Comprehensive Income – By Nature & Type [N/T]
- ✓ Statement of Cash Flows [SCF] - Indicative working document, broad projections. This is quite a crucial document.
- ✓ Rate Setting Statement [RSS] – Indicative working document, broad projections
- ✓ Statement of Financial Position [SFP] (Balance Sheet) – Shows projected results from the RSS
- ✓ Statement of (possible) Changes in Equity - - Indicative working document, broad projections

Further supporting information attachments are also expected, as follows:

- New Capital Works Projects, only broad figures are included in the LTFP, while specific items of actual projects are included in the 4-5 Year CBP.
- Cash Reserves – Projected movements during the 10 year period.
- Loan Items any proposed new Borrowings and complete Repayment details are a separate attachment at the back of the LTFP document.
- Depreciation, & changes due to Re-Valuations of Fixed Assets & Infrastructure. Broad details are shown on a separate attachment to the LTFP document.
- Variable Assumptions underpinning this Plan
- Key Performance Indicators [KPIs], being the Ratios

All of the above are included as part of the financial sheets at the back of the LTFP, with explanations included in earlier sections, as per the Department of Local Government's expectations.

The LTFP includes many assumptions and broad projections. A listing of these is included at the back of the LTFP document. The main proposals are 'Capital' related, and give directions for what could occur for the next 10 years. High expenditures on each Class of Asset are expected. Specific proposals for the 1st 5 years are included in the CBP.

As stated in the actual CBP document, and the attached revised LTFP document, Council has limited finances compared to its cost needs, and therefore it will not be possible to maintain and renew/replace all assets at the highest levels as needed over the next 10 years. However, by the 10th year this Council should be able to meet the required minimum levels/standards, and if the assumptions and projections in the attached plan prove correct, then the Shire of Waroona can achieve the "Advanced" Standard in all Ratio categories in the longer term. These could be important amalgamation issues.

As already stated, there are to be large reductions in Grants by both the State and Federal Governments commencing in the 2014/15 year. These will involve Operational Grants and a variety of Capital Grants These reductions effectively shift the costs back to Councils.

As already mentioned the Federal Government has allocated additional funds via its “Roads to Recovery” program, which will enable extra roadworks to be completed a great deal sooner than previously allowed.

Other actions/requirements by the State Government will make it difficult for Councils to appear “Sustainable”, particularly the ever increasing ‘book’ entries of Depreciation calculations, as imposed on Councils. Depreciation totals just over \$2.7 million for the 2015/16 year.. The draft plan has the Council attaining or exceeding the minimum standards for all the KPI Ratios by the end of the 10 year LTFP period. As indicated above, it can be expected that the State Government will use arguments concerning “Sustainability” when it progresses its proposals for amalgamations.

Calculations of minimum capital expenditures from current Asset Management Plans total some \$2.5 million pa, on average. The figures for such items for the 2015/16 Annual budget total some \$2.7 million.

STATUTORY IMPLICATIONS

It is a statutory requirement that a 10 year Long Term Financial Plan must have been adopted. It is expected it will be reviewed regularly, and particularly with the changes to Grants, and other Operational Income and Expenses, than this latest review is seen as being very necessary.

POLICY ISSUES/IMPLICATIONS

There are no policy issues or implications emanating from this report.

LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implication relating to this report, merely compliance with the statutory requirements.

STRATEGIC IMPLICATIONS

The Department of Local Government (DLG) in WA has indicated that its expects that all Integrated Planning & Reporting Frameworks (IP&RF) should be compliant with the standards outlined in the DLG’s IP&RF ‘Advisory Standards’ and “*all activities/services*” delivered by Council connect to the “*community’s vision aspirations and objectives*” (p.4)’. Of the 6 objectives outlined in Waroona’s *Strategic Community Plan (SCP)*, this item contributes towards achieving objective number 6, “Active Civic Leadership, Good Governance, & Excellence in Management”, as well as objective number 5 “Assets, Resources, Financial Management and Sustainability”.

The latest LTFP meets all the requirements and standards expected by the DLG, and the projected Ratio results exceed the minimum expected levels.

COMMUNITY CONSULTATION

There is no statutory requirement for community consultation for a LTFP.



As the LTFP includes broad projections of what might occur, then explaining such items with the community may not be relevant, at this time. This is especially so with regard to a number of Grant issues.

It can be expected that further explanations will be needed in the 2016 year.

OFFICER'S FINAL COMMENTS

As already stated, a crucial consideration is that what is proposed and adopted appears to be manageable and affordable, and that has been a major consideration in compiling this latest Plan.

As usual, the main capital items needing to be done, and requiring funding, are Buildings and Roads. There are also other items needing to be done as well, being – Waste Services; Drainage; Parks/Recreation; Footpaths; as well as new/replacement of Equipment. Investigations have revealed that each class of Asset should be allocated minimum levels of funds, and that is what has been included in the latest plan, on a broad basis.

Copies of spreadsheets are supplied to more clearly explain what is being proposed, in broad/general terms, for the next 10 years. There are 2 separate sheets on meeting the various Ratio levels.

As can be expected, Council will need to increase its Rates, as well as its various Fees and Charges, for each year of the next 10 years. While the projections commence with Rate increasing by 7.95% in the 2015/16 year, the projected increase for the 10th year is only 3%. The annual average is 5.14% for the plan.

At this point, no new Loan Borrowings have been included in the calculations.

The current known level of Grants have been used as the basis for various calculations, and most have not been increased across the various years.

It should be noted that the Operational items of the LTFP projections will not exactly match up to the 2014/15 budget figures, due to allowances having been made in the CBP and the LTFP for various ‘abnormal/extraordinary’ items, which may be included or excluded in the annual budget, but which may not always occur at the same levels across future years.

Further explanations of various specific issues will be made at the meeting.

Appendices Attached:	Yes	Appendices Numbers:	9.3.3
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the proposed 10 year Long Term Financial Plan, as attached at Appendix 9.3.3, be adopted.



9.3.4 CORPORATE BUSINESS PLAN – 5 YEAR FINANCIAL PLAN - REVISION	
Reporting Officer / Officer's Interest:	John Crothers, Coordinator Corporate Planning; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Director Corporate Services; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 17 March 2014	File No.: 111/1 & 11/1
Previous Reference:	9.4.3 of 26 August 2014; 9.4.10 of 25 June '13; 9.4.3 of 3 September '13; 22 July 2014
Policy Implications:	None
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

For Council to adopt a revised "Corporate Business Plan", which is a part of the Integrated Strategic Planning and Reporting processes, with the whole of the plans being termed a "Plan for the Future" [LG Act term]. These plans must be reviewed and adopted annually, and the last Plan was previously put before Council's August 2014 meeting.

BACKGROUND/INITIAL COMMENTS

Production of a Corporate Business Plan is an annual statutory requirement, and is part of the Integrated Planning and Reporting obligations.

As stated on previous occasions, a number of different scenarios have been developed, but what is now being put before Council is the consensus of staff of what could apply for the next 5 years. We need to be less ambitious with regard to Capital Items in the early years with greater levels to occur in later years.

Compared to last year's CBP, the main "Operating Summary" is that allowances have made for less Rates Income occurring in later years, as the proposed developments at Preston Beach now appears to be not proceeding. On the other side, the organisational changes effected in the 2014/15 year have significantly reduced the employee costs, and there have also been important saving for Insurances.

PLANNING – STRATEGIC IMPLICATIONS

There are no planning issues impacted by the proposals in the CBP.

REFERRALS

None Applicable



STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 “Active Civic Leadership, Good Governance, & Excellence in Management”, as well as number 5 “Assets, Resources, Financial Management and Sustainability”.

The Strategic Community Plan was also reviewed and revised in 2014, so that it is more practical, and better reflects what functions and actions that the organisation actually carries out, and that need to continue to be provided [EG: Food outlet Inspections; Building Approvals/Inspections; Development Approvals’ Animal Control; Community Development/Events/Youth Services; Asset Renewal/Replacements, etc].

The major implications emanating from the proposed changes to the CBP of this report which differ to those in the report of August last year relate to the minimum annual renewal figures for Assets, being mainly Buildings, Roads, Drainage, and other Infrastructure, as well as preliminary figures now included for Waste Services. Some broad allocations have been included for other items.

Further changes can be expected to occur with regard to projects due to possible reduction in Grants, as well as more refined assessments for all Asset Classes over the next 5 years, as circumstances change.

Renewal and Replacement of Assets remain the most pressing issues. Following on from detailed investigations of each Class of Assets, certain minimum levels of expenditure have been identified, and are an attachment to the CBP document.

While the proposed asset renewals will have to be at the lower end of the Asset Replacement costs for the first few years, it has been planned for there to be ‘catch up’ in the later years. The 10 year allocations are all considered adequate, and will meet the identified needs for the various assets.

Important focus has been placed on meeting the Minimum Standards set by the Department of Local Government for various Ratios. Councils which do not meet those basic standards will be viewed as unsustainable, and therefore could be considered as being in need of investigation for amalgamation with other Councils.

FINANCIAL ISSUES/IMPLICATIONS

The latest projections have been based on the figures of the 2015/16 Budget and some actuals for the 2014/15 year, and the latest known information, including Grant changes, and recent recalculated cost assessments.

Detailed sheets of the main areas of Capital emphasis are included as attachments to the CBP document.

The reduction in Government Grants affected mid 2014 will adversely impact Council’s finances over multiple years, commencing in the 2014/15 financial year.

The Federal Government has increased the “Roads to Recovery” program, which will greatly assist over the next 2 years.

It should be noted that the Operational projections will not exactly match up to the 2015/16 budget figures, due to allowances having been made in this CBP for various



'abnormal' items, which may be included in the budget, but which may not always occur at those levels across future years. Similarly, adjustments have had to be made of a few Income items, such as the forward payment by the Federal Government of part of the annual Financial Assistance Grant.

Items included in the 1st year of the CBP are then included in the next budget, as part of the normal budget procedures.

The calculated minimum expenditures total \$2.5 million and the items included in the 2015/16 budget total \$2.7 million, thanks to the extra Federal Government funding.

POLICY ISSUES/IMPLICATIONS

There are no policy issues or implications emanating from the proposed CBP.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Production of a Community Business Plan, covering a minimum period of 4 years, is a statutory requirement.

LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implications relating to this matter, merely compliance with the minimum statutory requirements.

COMMUNITY CONSULTATION

The proposals of this plan were advertised on 19 August 2015. Any resulting submissions received will be advised to Council on meeting day.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution is now necessary on this revised plan.

As stated earlier, it should be noted that the Operational projections may not exactly match up to the 2015/16 budget figures, due to allowances having been made in the CBP for various 'abnormal' items, which may be included, or excluded, in the annual budget, but which may not always occur at those levels across future years.

The total for renewals/replacements in 2015/16 is some \$2.65 million, while the minimum level is \$2.5 million, so we are proceeding a little ahead of schedule.

Appendices Attached:	Yes	Appendices Numbers: 9.3.4
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Corporate Business Plan as presented, for the 5 year period of 2015/16 to 2019/20, be adopted.



9.4 CHIEF EXECUTIVE OFFICER

9.4.1 LEASE OF COUNCIL PROPERTY NEW BUILDING – WAROONA LIONS CLUB	
Reporting Officer / Officer's Interest:	John Crothers, CCP/Project Officer; No Interest
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer; No Interest
Proponent:	Not Applicable at this time
Landowner:	Shire of Waroona
Date of Report: 20 August 2015	File No.: 160/1: Legal Document No. 135
Previous Reference:	
Policy Implications:	None
Statutory Implications:	Section 5 of Strategic Community Plan
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "Asset Management – Responsible Stewardship of Council Assets"	

PROPOSAL SUMMARY

For Council to adopt an amendment to a Lease agreement entered into with the Waroona Lions Club, with regard to the use of buildings on Council property, being portions of Lot 266, South West Highway, Waroona.

The current Lease has been for the building commonly known as "Jim's Kitchen", and the new/extra building has now received a common title of "The Animal Nursery".

BACKGROUND/INITIAL COMMENTS

The Lease Agreement with the Waroona Lions Club expires on 30th June 2017, and a new Lease document should be put into place, prior to that date.

This proposal is to formalise an Addendum to the existing Lease, by adding reference to the new building, and By amending Schedule 1 of the Lease, so as to show both buildings.

PLANNING – STRATEGIC IMPLICATIONS

None Applicable

REFERRALS

None Applicable

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 5 "Asset Management – sub-item 5.07 Responsible Stewardship of Council Assets".

FINANCIAL ISSUES/IMPLICATIONS

There are no financial implications emanating from this proposal. At this point it is not proposed to vary the amount of the Lease agreement, but to merely point out that the Waroona Lions Club will have usage rights, and will also have maintenance responsibilities.

POLICY ISSUES/IMPLICATIONS

There are no policy issues or implications emanating from this report.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are no statutory issues or environment implications emanating from this report.

LEGAL ISSUES/IMPLICATIONS

There are no legal issues or implication relating to this matter, merely an amendment to an existing Lease/legal agreement.

COMMUNITY CONSULTATION

No community consultations are seen as necessary on this matter.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

A Council resolution on the proposed Lease amendment is now sought.

Appendices Attached:	Yes	Appendices Numbers:	9.4.1
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That the Lease Agreement with the Waroona Lions Club be amended by adding an extra building to Schedule 1 of the Lease Agreement;
2. That the Common Seal of Council be affixed to the amendment relating to the Lease Agreement;
3. That the Shire President and CEO be authorised to sign and complete all matters relating to amendments to the Lease Agreement.

10. CONFIDENTIAL REPORTS

Nil

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING