
Shire of Perenjori
MINUTES
Ordinary Council Meeting

To be held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on Thursday 15th February 2007, to commence at 1.30 pm.

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7011 PRELIMINARIES

Nil

7011.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The President declared the meeting opened at 1.30pm.

7011.2 OPENING PRAYER

Cr Baxter led Council in the opening prayer.

7011.3 DISCLAIMER READING

Nil

7011.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

President	Cr Brian Baxter
Councillors	Cr Robyn Benton Cr Laurie Butler Cr Jennifer Hirsch Cr John Bendsorp Mr J Cunningham Cr Christopher King Cr Ian West
CEO	Mr Stan Scott
DCEO	Ms Domenica Orlando
Manager Community Services	Mr Garry Agnew
EHO	Ms Andrea Njoku
Economic Development Officer	Mr Phil Cleaver
Works Supervisor	Mr Ken Markham
Guests	Mr Alex Atkin
Apologies	Cr Graeme Reid

7011.5 PUBLIC QUESTION TIME

Nil

7011.6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Alex Aitkin from KD1 updated Council on the developments with Mt Gibson. He advised that the new head of the project is Mr Peter Panick. He advised the Minister has the appeals and a result is expected late March or early April. If the appeal is successful, from June everything will start up at once in preparation for the Hematite Project. The road project will be broken up into two parts and the biggest issue is resources – eg plant, labour etc.

Mr Alex Aitkin from KD1 left the chambers at 2.07pm.

7011.7 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

7016.1 – Latham Shop - Cr J H Hirsch

7016.1 – Latham Shop – Cr B T Baxter

7016.1 – Latham Shop – Cr R A Benton

Proximity Interest – Local Government Act s 5.60B

Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.

7016.1 – Latham Shop – Cr J H Hirsch

7011.8 APPLICATIONS FOR LEAVE OF ABSENCE

Moved: Cr Hirsch

Seconded: Cr Bendsorp

That Cr Graeme Reid be granted a leave of absence for the current meeting and Cr Robyn Benton be granted a leave of absence for March 2007 meeting of Council.

Carried 8/0

7011.9 CONFIRMATION OF MINUTES

Confirmation of minutes of Council meeting held 21st December 2006.

Moved: Cr King

Seconded: Cr Benton

That the minutes of the Ordinary meeting of Council held on 21st December 2006 be accepted as a true and correct record.

Carried 8/0

Moved: Cr Hirsch

Seconded: Cr Butler

That the minutes of the Electors Meeting held on 14th February 2007 be accepted as a true and correct record.

Carried 8/0

Business arising from minutes:

Winch on Latham Oil recycling depot – to be replaced and secured appropriately.

Works Supervisor assured spoon drains were installed on Solomon & Old Perth Rds.

Ceo to investigate whether non employees can be added to Councils permit to shoot cockies in town.

7011.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Nil

7011.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS

Nil

7012 ECONOMIC DEVELOPMENT**7012.1 ECONOMIC DEVELOPMENT REPORT**

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	PHIL CLEAVER - EDO _____
RESPONSIBLE OFFICER	PHIL CLEAVER - EDO _____
REPORT DATE:	16 Feb 2007
ATTACHMENTS	Highly Confidential engineering report available for perusal

Executive Summary:

A Report on Economic Development Projects.

Applicants Submission:

Detailed below are progress reports on current and prospective projects:

Economic Development Results

- Airfield upgrade

Inducing ADF to USE PJ as Training Base

As a result of ongoing negotiations with ADF and Private Efforts we received an expedited visit from officer in Charge of logistics (air movements) who flew from Richmond NSW in a Hercules and transported his survey gear and vehicle that enabled a detailed assessment of the Shire of Perenjori to be used as a training ground for Special forces and counter Terrorism as well as other intel tasks .

This will enhance the area and generate income as well as allow recertification of the strip to standard that the shire appeared to believe they had when in fact not.

The EDO is informed that the budget was allocated prior to his starting, thus there is no extra burden it appears on the public purse.

In other correspondence we are informed that One SASR wishes to use us by October/November this year

They will arrive by road and air and pay for use of various facilities in the shire also ADF have a policy of sourcing supplies locally where possible. Example 2 Tonnes of meat, 15000 Litres Diesel PER DAY, 60,000 Litres of AV Tur (we are negotiating with air BP to facilitate underground tanks installed here and Corps of Engineers and

RAAF Airfield Construction are looking at assisting also). This saves the shire considerable expenditure and upgrades our infrastructure at little effort

Background:

The EDO commenced a full time two year contract on 30 August 2006.

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:

The fundamental premise of the EDO activity is diversification of the economic base of Perenjori through complementary activity that will reduce our reliance on agriculture and mining.

Consultation:

The EDO maintains contact with a wide range of potential stakeholders, investors or funding organisations.

Comment:

The EDO, CEO and Shire president are in receipt of a chain of emails and other signals regarding this effort. The EDO recommends that liaison between Shire engineer, Doats Air Services and the Military types etc be co-ordinated forthwith

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council notes the Economic Development Report.

Moved: Cr Butler

Seconded: Cr Benton

That Council notes the Economic Development Report.

Carried 8/0

7013 FINANCE

7013.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY

APPLICANT:	Deputy CEO
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	Domenica Orlando
RESPONSIBLE OFFICER	Domenica Orlando
REPORT DATE:	15 February 2007
ATTACHMENTS	Monthly Statement of Financial Activity Reports

Executive Summary:

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

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

Policy Implications:	N/A
Financial Implications:	N/A
Strategic Implications:	N/A
Consultation:	UHF Haines Norton
Voting Requirements:	Simple Majority

Officers Recommendation:

1. That the Statement of Financial Activity for the period ended 31st January 2007 including report on variances be accepted as presented.
2. That the Finance Report for the period ended 31st January 2007 be accepted as presented.
3. That the envisaged over expenditure on account 13205 Caravan Park Caretakers Salary be noted by the Committee.
4. That Council investigate the possibility of installing seal catchment at the Perenjori Dam.
5. That the Acquisition of Assets Report for the period ended 31st January 2007 with a balance of \$448530.10 as presented be received.

6. That the Reserves Report for the period ended 31st January 2007 with a balance of \$1058413 as presented be received.
7. That the Net Current Assets report for the period ended 31st January 2007 as presented be received.
8. That the balances of the Municipal Fund of \$127881.31 , the Term Deposit of \$429514.98 and the Trust Fund of \$36532.63 as at 31st January 2007 as presented be received.
9. That the Sundry Creditors Report for the period ended 31st January 2007 with a balance of \$25250.19 as presented be received.
10. That the Sundry Debtors Report for the period ended 31st January 2007 with a balance of \$27,028.69 as presented be received.
11. That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 15284 to 15436 and EFT Numbers 1441 to 7276923 for \$552397.23 and Trust Account consisting of Cheque Numbers 698 to 704 for \$1618.70 for the period ended 31st January 2007 as presented be accepted.
12. That the Rates Outstanding Report for the period ended 31st January 2007 with an outstanding balance of \$156442.

Moved: Cr King

Seconded: Cr West

That items 1-12 of the Monthly Statement of Financial Activity item be approved as received.

Carried 8/0

7013.2 BAD DEBTS WRITE OFF

APPLICANT:	Deputy Ceo
FILE:	0
AUTHOR:	Domenica Orlando
RESPONSIBLE OFFICER	Domenica Orlando
REPORT DATE:	7th February 2007
ATTACHMENTS	Austral Mercantile Letter of recommendation

Executive Summary:

A number of Councils long term outstanding debtors were passed onto Councils newly appointed Debt Collection Agency – Austral Mercantile Collections to pursue.

Austral Mercantile despite all efforts recommend the writing off of the following:

- Peter Dawson – Rent/Water Usage \$291.85
- Valerie Nannup - Dog sustenance \$16.12
- Rodney Dand – Pavillion Hire 07April07 \$44.00

Statutory Environment:

N/A

Policy Implications:

N/A

Financial Implications:

04008 Bad Debts Expense has a budget allocation of \$1000

Strategic Implications:

N/A

Consultation:

N/A

Austral Mercantile

Voting Requirements:

Simple Majority

Officers Recommendation:

That Outstanding debtors Peter Dawson \$291.85, Valerie Nannup \$16.12 and Rodney Dand \$44.00 be written off as bad debts.

Committee Recommendation:

That Outstanding debtors Peter Dawson \$291.85, Valerie Nannup \$16.12 and Rodney Dand \$44.00 be written off as bad debts.

Moved: Cr Hirsch

Seconded: Cr King

That Outstanding debtors Peter Dawson \$291.85, Valerie Nannup \$16.12 and Rodney Dand \$44.00 be written off as bad debts.

Carried 8/0

7014 HEALTH BUILDING & PLANNING

7014.1 SHIRE DEPOT WORKS SHED – ENGINEERING ASSESSMENT

APPLICANT:	SHIRE OF PERENJORI
FILE:	BUILDING LICENCE 03/05
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	G AGNEW - MCS _____
RESPONSIBLE OFFICER	G AGNEW - MCS _____
REPORT DATE:	29 JANUARY 2007
ATTACHMENTS	7014.1a and 7014.1b

Executive Summary:

Consideration of a second opinion on the long-term structural credibility of the Shire Depot Workshop, Loading Street Perenjori.

Background:

Consequent to concerns about sagging and movement of the portal beam lateral members for the Depot Workshop, correspondence was sent to the Builder (Austeel Homes & Sheds) between May and August 2006 requiring comment by the building's design Engineer in terms of the long-term structural credibility of the building.

Attached (**Attachment 7014.1a**) is a copy of the comment from Scott Smalley Engineers – in essence the Shire Depot Workshop's building's Design Engineer states that the effect of the deflections are essentially on the appearance only and have no implication for the long term stability of the structure.

Notwithstanding the attached 7022.1a comment provided by the design Engineer, concerns about the structural credibility of the building continued to be expressed by Shire Work's Staff; as well as the suggestion that the concrete floor was substandard because of some fine cracks radiating out from a couple of portal beam columns.

The above matter was openly discussed by Council at its October 2006 Meeting with the following being resolved (refer to October 2006 Minutes):

Moved: Cr. West

Seconded: Cr. Bendsdorp

That Council appoint a Structural Engineer to assess the New Depot Workshop shed and submit a list of recommended actions required if necessary.

Carried: 7/0

Subsequent to the above resolution Structerre Consulting Chartered Engineers were engaged to inspect the Shire of Perenjori Works Shed in Loading Street and report on its credibility in terms of the Structural frame-work and concrete floor. That Report was received on the 19 January 2007 – see **Attachment 7014.1b**.

Summary of **Attachment 7014.1b:**

- Structerre have stated that they would have designed the Perenjori Depot Workshop in Loading Street differently and have provided advice on how Council may address the structural frame concerns; and
- the hair line cracks in the concrete floor are not important; they are normal stress relief cracks due to concrete shrinkage – advice on how to remedy the cracks is also provided.

Comment:

During discussion of the Report with the Structerre Engineer the following additional advice was given:

1. The Perenjori Shire Depot Workshop will not collapse as it is a metal framed and clad building. Nevertheless, should there be an extreme weather event in Perenjori such as a severe winter storm or the tail end of destructing cyclone and given certain circumstances the workshop frame may bend, twist or buckle - in this event significant damage could result with major repair costs to Council.
2. The Structerre Engineer emphasised that his advice to Council is in his “professional opinion”.
3. The Structerre Engineer suggested that the Workshop may have been originally designed to achieve a certain construction cost for success in the Tender process. The knee brace remedy suggested by him may have been considered as merely a deferred cost.
4. Legal action against the Builder to have the situation rectified is not encouraged as there was no original ‘Scope of Works’ or Tender documentation that included specific design specifications.
5. The minor hair line cracks in the concrete floor that are radiating out from the base of a few portal beam columns are normally occurring stress relief cracks due to concrete shrinkage – the Structerre Engineer advised that these cracks are not important.

Council is informed that Mr. Lee Shier has been contacted by the CEO to seek a quotation for providing knee braces to the Shire Depot Work Shed in accordance with the specifications stipulated in the Structerre Engineering Report.

Statutory Environment:

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1961

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996

Contracts

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

Policy Implications:

Nil

Financial Implications:

The cost for amendment to the structural members of the Shire Depot Works Shed is not budgeted for in 2006/7.

Strategic Implications:

Structural amendment to the Shire Depot Works Shed will reduce the possibility of damage during severe weather events and give some surety on perceived safety for Shire staff working therein.

Voting Requirements:

Simple Majority

Officers Recommendation:

The Report and comments by Structerre Consulting Engineers on the structural credibility of the Shire Depot Work Shed building is acknowledged and accepted.

The CEO is authorised to obtain quotations for the amendment of the Depot Work Shed structural members as suggested by Structerre and that the quotation be brought back to Council for consideration.

Moved: Cr King

Seconded: Cr Bendsorp

The Report and comments by Structerre Consulting Engineers on the structural credibility of the Shire Depot Work Shed building is acknowledged and accepted.

The CEO is authorised to obtain quotations for the amendment of the Depot Work Shed structural members as suggested by Structerre and that the quotation be brought back to Council for consideration.

Carried 8/0

7014.2 LOCAL PLANNING SCHEME NO.1 AMENDMENT NO.2 – DELETING PLANNING CONSENT EXEMPTIONS.

APPLICANT: SHIRE OF PERENJORI
FILE: 508.02
DISCLOSURE OF INTEREST: NIL
AUTHOR: G AGNEW - MCS _____
RESPONSIBLE OFFICER G AGNEW - MCS _____
REPORT DATE: 29 JANUARY 2007

ATTACHMENTS**Executive Summary:**

Council is asked to consider amending its Town Planning Scheme text to require Planning Approval for the construction/erection on a residential zoned lot of a single dwelling house.

Background:

Council is referred to Item 9.1.1 of its October 2006 Meeting.

Moved: Cr. West

Seconded: Cr. Hirsch

Council's Town Planning Consultant (Planwest) is to be requested to provide comment on whether and if so how the Shire of Carnamah Town Planning Scheme may be amended to ensure that Planning Consent is required for all new residential development in "Residential" zoned areas prior to Council's acceptance of an application for building licence under the Local Government (Miscellaneous Provisions) Act.

Carried 7/0

Comment:

The following Comment has been provided by Council's Town Planning Consultant, Planwest.

INTRODUCTION

The Shire of Perenjori seeks the WA Planning Commission's support and the Hon. Minister's approval to a Scheme Amendment that seeks to remove the exemption for the need for a planning approval for single dwelling houses.

BACKGROUND

The current Model Scheme Text (MST) was gazetted in 1994 as an Amendment to the Town Planning and Development Act 1928 (now replaced by the Planning and Development Act 2005). This MST requires that all new Local Planning Schemes (Schemes) must follow the MST - unless otherwise approved by the Minister for Planning and Infrastructure.

Accordingly most Schemes (like the Shire of Perenjori's Scheme) that have been gazetted since about 2000 now include Clause 8.2 of the MST which generally reads as follows;

Clause 8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government —

(a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is —

(i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;

(ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or (iii) included on the Heritage List under clause 7.1 of the Scheme;

(b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where —

(i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or

(ii) the development will be located in a heritage area designated under the Scheme;'

Although the clause is clumsy it means that a single house (in a zone that permits a house as a permitted use) does not require a planning approval.

In the case of the Perenjori Scheme the provision is slightly different and is included in Clause 5.1.2 (c) as shown in the following Scheme extract;

5.1.2 The planning consent of the Council is not required for the following development of land:

a) The use of land in a reserve, where such land is held by the Council or vested in a public authority:

(i) For the purpose for which the land is reserved under the Scheme; or

(ii) In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.

b) The erection of a boundary fence except as otherwise required by the Scheme;

c) The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table; except where the dwelling house is not the first erected on the lot.

d) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;

e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

f) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of

A Single House is designated as a 'P' use in the Residential, Rural and Pastoral and Township zones.

The original aim of providing this exemption for a planning approval was to avoid the Shires being over-burdened with applications for single houses that comply with the Residential Design Codes (R Codes). Most Shires are experiencing increased demands on its services and decreased resources with which to handle these demands.

If a single dwelling does not require a planning approval then it only needs a building license under the provisions of the Building Regulations 1989. A building license is designed to ensure that a building is built properly according to standards of safety, health and welfare.

A building license has no power to comment on (or to impose conditions relating to) amenity issues like landscaping, appearance and other component that may have an undesirable impact.

If a building conforms to the provisions of the BCA the application cannot be refused, and conditions cannot be imposed relating to any issue other than those related to safety, health and welfare (i.e. building construction matters).

CURRENT TRENDS

As reported in the West Australian newspaper in October 2006, the cost of housing, particularly in Western Australia, has increased substantially (by 46% in the last 12 months, and over \$100,000 in the last 6 months). This increase has placed a considerable pressure on those seeking cheaper accommodation.

Cheaper alternatives have included the use (or reuse) of second-hand dwellings, dongas, sheds and even sea-tainers (sea containers) in country areas where land is generally more affordable. With substantial conversion works – which cannot be refused if they conform to the BCA – the buildings can be made liveable.

One instance has been the proposal to use a set of sails as a roof. Although the safety, health and welfare aspects of the BCA will need to be satisfied, there is no provision to refuse the proposal for amenity reasons.

EXISTING ENVIRONMENTS

Most country towns have been established for a century or so. These communities have their own housing character through the type of dwellings and a streetscape that has been developed over this time. The residents have generally been living in the area for long periods and are often the mainstay of rural communities.

Granting a building license to a set of sea-tainers (for example) next door to a long-established resident is not only unreasonable, but may also de-stabilise the core of the long term residents.

To strike at the foundations of the core residents in a country town risks jeopardising the viability of the whole community.

NEW BUILDING ACT

At present the Local Government Act requires that a Shire's building surveyor must determine a building license within the Shire. Proposed changes to the Local Government Act may shortly see a new Building Act that will allow private certification of building licenses by qualified people **outside** the Shire.

There is no guarantee that these private certifiers will have a good understanding of the local conditions and environment. It also means that the Shire may have the information 'second hand' and therefore not have a chance to see the applications before they are determined without first having seen the planning application.

THE ISSUE

The issue is not one of making a blanket decision against anything unconventional, but more that the Shire and others are not currently given the opportunity to comment on the proposal as it may affect the amenity of the area.

The issue currently is to control of the types of structures already mentioned in this report, however the Council is not in a position to second guess the next challenging type of residence (or building) that may impact on the amenity of a community.

PROPOSAL

It is proposed that the Scheme be amended to ensure that **all development**, other than that specified in parts a), b), d), e), and f) of clause 5.1.2 of the Scheme, requires planning approval.

The Shire would welcome an increase in applications as it would be an indication that there is new development in the Shire.

The Council could then delegate its authority through the CEO to the Building Surveyor to determine 'certain' applications on its behalf. These 'certain' applications may include those that conform to all the R Code provisions, are conventional in appearance and are not considered to impact the existing amenity of the streetscape or area generally. This delegated authority will also be able to determine whether a planning application fee should be payable.

Where the conditions of the delegated authority do not apply, a planning application will be determined by the Council, and an application fee will apply.

Having deleted sub-clause c) the remaining sub-clauses will be renumbered.

CONCLUSION

In view of the minor nature of the proposal the WA Planning Commission' approval for a reduced advertising period is requested.

Statutory Environment:

Town Planning and Development Act 2005.

Shire of Perenjori Town Planning Scheme No.1.

Local Government Act 1995

- *The Common Seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the Seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.*

Policy Implications:

Nil

Financial Implications:

\$4,370 is allocated under Town Planning & Regional Development (Scheme Review) 2006/7 Budget.

Strategic Implications:

To improve Council's formal participation in approval for new residential development in light of changing statutes and building construction methods.

Voting Requirements:

Simple Majority

Officers Recommendation:

In pursuance of Section 75 of the Planning and Development Act 2005 the Shire of Perenjori Town Planning Scheme No.1 is amended by:

- removing the sub-clause 5.1.2 c) that provides an exemption for the need for a planning approval for single dwelling houses.

The CEO is authorised to endorse documental and placement of the Common Seal.

Moved: Cr King

Seconded: Cr West

In pursuance of Section 75 of the Planning and Development Act 2005 the Shire of Perenjori Town Planning Scheme No.1 is amended by:

- removing the sub-clause 5.1.2 c) that provides an exemption for the need for a planning approval for single dwelling houses.

The CEO is authorised to endorse documental and placement of the Common Seal.

Carried 8/0

Moved: Cr West

Seconded: Cr Hirsch

That a day be organised for Council to review the full Town Planning Scheme.

Carried 8/0

7014.3 REPORT TO OMBUDSMAN WESTERN AUSTRALIA – K. AND W.
BEVAN

APPLICANT: PARLIAMENTARY COMMISSIONER FOR
ADMINISTRATION INVESTIGATIONS
FILE: Lot 136 LIVINGSTON STREET PERENJORI
DISCLOSURE OF INTEREST: 0
AUTHOR: G AGNEW MCS _____
RESPONSIBLE OFFICER G AGNEW MCS _____
REPORT DATE: 2 JANUARY 2007
ATTACHMENTS 7014.3a

Executive Summary:

Council is asked to take note of a Staff response to a request from Ombudsman Western Australia.

Comment:

Correspondence has been received from the Western Australian Ombudsman requiring a response from the Shire to a complaint made to the Ombudsman by K. & W. Bevan concerning the dividing fence between the Bevan's property at Lot 135 Livingston Street Perenjori and Council owned Lot 136 Livingston Street Perenjori.

Please find a copy of the correspondence from the Ombudsman and the response provided by Staff as **Attachment 7014.3a**.

Statutory Environment:

Council is statutorily obligated to respond to requests from the Parliamentary Commissioner for Administrative Investigations.

Voting Requirements:

Simple Majority

Officers Recommendation:

That:

The Staff response to the Ombudsman in connection to a complaint made to him by K. & W. Bevan of Lot 135 Livingston Street Perenjori is noted.

Moved: Cr West

Seconded: Cr King

The Staff response to the Ombudsman in connection to a complaint made to him by K. & W. Bevan of Lot 135 Livingstone Street Perenjori is noted.

Carried 8/0

Dr Deji Afilaka entered the chambers at 2.45pm and was introduced to Council members.

Dr Deji Afilaka left the chambers at 2.49pm.

7014.4 FEBRUARY 2007 - INFORMATION BULLETIN

1. DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Following an inspection by an Officer of the DoE a Direction was issued to the Shire for the separation of metal, tyres, plastics furniture and wood from the "Green Waste" and the closure of the excavations for receipt of "Liquid Waste" at the Perenjori Refuse Site.

The Direction has been complied with.

2. PROPOSED SUBDIVISION – 900 JOHN STREET.

Council will recall the following resolution at its November 2006 Meeting.

Moved: Cr. Benton

Seconded: Cr. Bensdorp

That:

With reference to progression of the subdivision process of Lot 900 John Street Perenjori, quotations are to be sought from –

- 1) an Engineer to prepare preliminary design plans for a water main to service subdivided Lot 900 John Street for submission to the Water Corporation for approval and a construction quote; and*
- 2) an Electrical Designer to draw up an electrical plan for the site in order that Western Power can issue a quote; further*
- 3) continuation with the creation of the Deposited Plan for Lot 900 John Street by Hille, Thompson & Delfos is endorsed.*

In the meantime the CEO is to enquire with Landcorp in respect to the possibility of obtaining funding under the Community Development Scheme.

Carried: 8/0

Structerre Engineers were approached but said they were only able to quote on the water main component – their quote to consult with Water Corporation on the water main component of \$8,800.00 was received on the 7 December 2006.

Being unaware of engineering firms that could quote on both the water main and electrical design I contacted Harsh Grover for advice. He suggested that Sinclair Knight Merz Pty Ltd and GHD Pty Ltd should be approached.

Letters were sent to both these firms on the 2 January 2007 – no response has been received.

I am continuing to seek further quotations from engineering firms to consult with the Water Corporation and Western Power on behalf of Council.

3. SHIRE OWNED RESIDENCE – LOT 49 RUSSELL STREET.

Lot 49 Russell Street is now vacant following the termination of employment of the recent occupant.

An inspection of the property once vacated revealed the need for significant upgrade prior to the house being available for occupation by a new tenant.

Internally:

All internal wall and ceiling surfaces were marked or stained, floor coverings are old, stained or marked, doors were damaged or ineffective, laundry and WC wall lining is

holed, laundry consists of an old concrete trough and kitchen cupboards and work bench need upgrading.

During the inspection I was informed that there were electrical problems (failures) in the main bedroom and that there was a safety concern with the meter board – a Shire Order has been issued to WCC Electrics to repair electrical faults and rewire and make safe all electrical wiring.

Externally:

There are no fly screens on windows and the front and rear fly doors are damaged and useless. The wall cladding is tired, holed and scatter covered by cobwebs, gutters and downpipes are holed and corroded and the yard was left strewn with rubbish that required Council machinery to remove.

This house requires significant upgrade, the cost of which is not budgeted for in 2006/7.

Ideally the house requires:

1. Repair to all damaged wall cladding and internal linings;
2. External painting;
3. Internal painting throughout;
4. New window flyscreens and flyscreen doors;
5. Kitchen upgrade;
6. Laundry upgrade;
7. Electrical upgrade for safety – Shire Order issued;
8. Repair to property fencing;
9. Landscaping and reticulation.

Recommendation:

Submitted for Council direction.

Moved: Cr King

Seconded: Cr West

That the item on Lot 49 Russell Street, Perenjori be dealt with by the Health & Building Committee. Carried 8/0

The Manager of Community services alerted Councillors to the extensive work required at the Masonic Lodge including replacement of ceilings, Benches and doors in addition to the fencing and toilets upgrade as budgeted prior to the Perenjori Playgroup moving in.

Moved: Cr Butler

Seconded: Cr Hirsch

That the Manager of Community Services complete a thorough assessment (including structural) on the Masonic Lodge and bring back the report to the Health & Building Committee.

Carried 8/0

The Manager Community Services, Mr Garry Agnew, EHO, Ms Andrea Nyoku and Economic Development Officer, Mr Phil Cleaver left the chambers at 3.02pm.

7015 PLANT & WORKS**7016 GOVERNANCE**

Cr Hirsch, Cr Baxter and Cr Benton have submitted a disclosure of interest for the following item and left the chambers at 3.45pm.

Deputy President, Christopher King Chaired from this point.

7016.1 LATHAM GENERAL STORE

APPLICANT:	LATHAM GENERAL STORE PTY LTD
FILE:	0
DISCLOSURE OF INTEREST:	CRS HIRSCH, BAXTER, REID & BENTON
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	8 February 2007
ATTACHMENTS	LETTER

Executive Summary:

The Latham Community formed a company to take ownership of the Latham General Store in 2001. Several months ago they found a buyer, but the price offered is insufficient to cover outstanding debts. They requested in June 2006 that the Shire forgive the outstanding loan, but Council was unable to consider the request as several Elected members had an interest in the Store.

Applicants Submission:

Latham General Store Pty Ltd is seeking Council's support through forgiving the balance of the outstanding loan: (see letter)

Background:

In November 2005 council resolved as follows:

1. The rates on the Latham Shop (Lot 15 Britt St Latham – Assessment No 423) be waived until 30 June 2007.
2. That Latham General Store be granted a three year repayment holiday ending 30 June 2007 on its loan, with the repayment schedule extended accordingly, and the cost of interest foregone be carried by the Shire.
3. That the CEO be authorised to negotiate a reduced rental on 14 Britt Street with any potential buyer for up to a year on purchase of the adjacent store.

The outstanding balance on the loan is \$13,033.58.

On the basis of the information provided by Latham General Store Pty Ltd the financial position is as follows:

ASSETS

Proceeds - Sale of	\$30,000
--------------------	----------

LIABILITIES

AE Hirsch & Co	\$19,422
----------------	----------

shop	
Cool Room	\$2,500
Steel, Tyres & Shelving	\$2,000
Cash at Bank	\$1,680
Total Assets	\$36,180

W & R Benton	\$15,727
Accountant	\$990
Shire	\$13,034
Total Liabilities	\$49,173

It is intended that the proceeds from the sale of the shop and other assets be disbursed to the 3 other creditors listed. These debts were accrued to allow the company to continue to seek an operator or buyer for the shop. A significant portion was accrued to pay off a solicitors debt which resulted from several failed negotiations with potential buyers / lessees.

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.

Local Government Act 1995 S5.60A defines a Financial Interest as follows:

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

On the basis of this description, only Councillors Hirsch and Benton have a financial interest, as there will be some direct benefit or detriment from Council's decision.

Councillors Baxter and Reid, while identified as shareholders do not stand to recover any of their investment, nor make further contribution regardless of Council's decision. For the purposes of this discussion the disclosed interest should be treated as a discretionary disclosure of an interest that may be seen to affect impartiality.

Policy Implications:

Nil

Financial Implications:

The assistance recommended would cost Council \$13,033.58. This is in addition to the cost of interest and rates foregone as a result of Council's previous assistance.

Strategic Implications:

Nil

Consultation:

Nil

Comment:

The letter from The Latham General Store Pty Ltd indicates that the buyer has offered \$30,000, and they owe over \$36,000 to outstanding creditors (not including the Shire).

If Council was to support the request it would not be unreasonable to make the support conditional on an examination of the books to verify the figures set out in the letter.

Latham General Store Pty Ltd was set up for the purpose of maintaining a retail presence in Latham. Despite the best efforts of office bearers over several years this has been unsuccessful, and the new owner will be using the building largely for storage. It could be argued with hindsight that a company was not the appropriate vehicle for what was essentially a community purpose and an incorporated association may have been more suitable.

Notwithstanding the above, the objects of the company in trying to maintain a business presence in Latham are consistent with the goals of the Shire. Collectively community shareholders contributed \$33,500 (in addition to the loans identified previously) for which there will be no return. It is not unreasonable for the Shire to carry some of the burden for this well intentioned, but ultimately unsuccessful venture.

Voting Requirements:

Absolute Majority

Officers Recommendation:

That Council determine whether to support the request for all or part of the debt to be forgiven.

Moved: Cr Butler

Seconded: Cr Cunningham

That Council support the request for Perenjori Shires Liability of \$13033.58 to be forgiven.

Carried 5/0

The meeting was adjourned for afternoon tea at 3.55pm.

The meeting was resumed at 4.21pm.

Crs B Baxter, R A Benton & J H Hirsch re entered the chambers at 4.21pm.

7016.2 WORK AT LATHAM CWA

APPLICANT:	LATHAM PROGRESS ASSOCIATION
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	7 FEBRUARY 2007
ATTACHMENTS	LETTER

Executive Summary:

Latham Progress Association is seeking assistance with further improvements in the grounds of the CWA building.

Applicants Submission:

Latham Progress Association has obtained a grant for supply of a gazebo to be located adjacent to the pathway to the CWA Hall in Latham. They are seeking assistance with:

- Supply of a concrete pad for the gazebo;
- Supervision of erection of the gazebo
- Heavy pruning of the lilac tree.
- Supply of outdoor furniture.

Background:

Work is already scheduled for this financial year subject to approval of the library relocation including:

- Widening gateway and path
- Installation of a pedestrian ramp to improve access
- Dealing with water from downpipe
- Supply and installation of an awning over the post boxes.

Statutory Environment:

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

Policy Implications: Nil

Financial Implications:

The additional work requested should be able to be completed within the \$15,000 budget allocation.

Strategic Implications:

The work coincides with some general improvements in the Latham townsite including resealing some roads and replacing kerbs and footpaths.

Consultation:

The grant application for the gazebo was discussed with the CEO prior to submission.

Comment:

When work is completed the CWA hall will be a multi purpose facility including the postal agency, library, CWA meeting facility. The gazebo will incorporate a community notice board and provide a shaded outdoor area. This will compliment the location as a focal point for the community.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council endorse the proposed assistance from the Shire from within the existing allocation for works associated with Latham Library relocation.

Moved: Cr Cunningham

Seconded: Cr West

That Council endorse the proposed assistance from the Shire from within the existing allocation for works associated with Latham Library relocation.

Carried 8/0

7016.2 PROGRESS ON DEVELOPMENT PRIORITIES

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: NIL
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER: STAN SCOTT – CEO _____
REPORT DATE: 6 FEBRUARY 2007
ATTACHMENTS: Letter and taking notice – Wanarra Road
Letter and taking notice – Industrial Lots

Executive Summary:

Formal processes for the gazettal of Wanarra Road and releasing industrial lots has commenced.

Applicants Submission:

Correspondence is attached.

The objection period for the Wanarra Road gazettal ends on 19 March 2007.

The objection period for the Industrial Lots ends on 3 April 2007.

Background:

Both projects are long standing Council priorities.

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:

When the industrial land is released it will be available for purchase by Council.

Strategic Implications:

Both are long standing Council priorities.

Consultation: Nil

Comment: Nil

Voting Requirements:

No vote required

Officers Recommendation:

For Information of Elected Members.

Noted by Council

7016.3 WILDFLOWER COUNTRY REGIONAL COUNCIL

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	7 February 2007
ATTACHMENTS	Nil

Executive Summary:

The Wildflower Country Regional Council met on 7 February 2007.

Applicants Submission:

The Minutes of the WCRC will be circulated once received.

Specific developments of interest to Council include:

- The WCRC will be meeting with Regional Development Minister John Ford in April in relation to funding for broadband services.
- The WCRC will hold a strategic planning forum in Geraldton the day prior to the Zone conference (see separate agenda item)
- The WCRC supports Morawa's suggestion that the Department for the Environment become the Department for sustainability.
- Council will investigate a region wide fleet maintenance system;
- Will seek grant funds on a regional basis for emergency management and Waste Management.

Background:

Perenjori is one of the seven members Council that comprise the WCRC. The WCRC also dealt with other matters of an operational compliance nature including financial statements and payment of accounts, credit card for the CEO, meeting procedures and establishment of an audit committee and adoption of a communication plan.

Statutory Environment:

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

Policy Implications:	Nil
Financial Implications:	Nil
Strategic Implications:	Nil
Consultation:	Nil

Comment:

It is important that Elected Members remain informed of the activities of the WCRC.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council notes the outcomes of the February 2007 meeting of the Wildflower Country Regional Council (WCRC).

Moved: Cr West

Seconded: Cr Benton

That Council notes the outcomes of the February 2007 meeting of the Wildflower Country Regional Council (WCRC).

Carried 8/0

7016.4 ZONE CONFERENCE – WCRC PLANNING

APPLICANT:	Northern Country Zone of WALGA Wildflower Country Regional Council
FILE:	0
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	5 February 2007
ATTACHMENTS	Expression of Interest Form

Executive Summary:

The Northern Country Zone Conference is scheduled for Thursday 29 and Friday 30 March 2007. WCRC has scheduled a Strategic Planning forum for Wednesday 28 March 2007.

Applicants Submission:

The Northern Country Zone annual Conference will probably include the following:

- **Pilbara Regional Council** will give their perspective on Council cooperation.
- **Civic Legal** will examine accountability and compliance and cost shifting issues for local government
- **Haines Norton** will provide a presentation audit committee responsibilities.
- **The Hon John Bowler, Minister for Local Government** will attend and address the conference.
- **Ron Alexander**, inaugural coach of West Coast Eagles will be our dinner speaker on Thursday night- his brief is to inspire and entertain.
- Up to 10 members of the **Country Labor Party** will be present.
- **The Premier** will be in Geraldton on the Friday and will be encouraged to attend during his visit.
- There is also the possibility that **G21 - based in Geelong** will attend to provide their experience on regional planning with all levels of government.
- Also, a reminder that Friday is the AGM for the Zone and any items for the agenda should be provided to the CEO>

The Wildflower Country Regional Council will be holding a strategic planning forum on Wednesday 28th March immediately prior to the forum. This is intended to allow as many elected members from participating Local Governments as possible to attend the event. This should ensure the widest possible input to the planning process, and ensure that Elected Members are kept abreast of developments. There will also be a dinner organised for the evening of the 28th.

Background:

The administration needs details of those attending as soon as possible for accommodation bookings. An expression of interest form has been provided to allow elected members to indicate whether they wish to attend.

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:

Indicative per person costs are:

▪ CNZ Conference	\$300
▪ CNZ Conference Dinner	\$80
▪ Planning Forum	\$25
▪ WCRC Dinner	\$75
▪ Accommodation	\$150 / night

Strategic Implications:

Council has identified participation in regional governance as a key strategy.

Consultation:

Nil

Comment:

Regional arrangements will have an expanding role over the next few years, and opportunities to influence these arrangements and increase awareness amongst decision makers are valuable.

Voting Requirements:

Simple Majority

Officers Recommendation:

That any elected member wishing to attend these events be invited to do so.

That Elected members indicate their preferences on the expression of interest form.

B Baxter, C King expressed interest in attending. Cr West available if required.

7016.5 COMMON SEAL – TRAFFIC MANAGEMENT FOR EVENTS ON ROADS

APPLICANT:	MAIN ROADS WA
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	6 FEBRUARY 2007
ATTACHMENTS	LETTER AND INSTRUMENT OF AUTHORITY

Executive Summary:

The instrument of authorisation for the Shire of Perenjori to use traffic signs and devices for events on roads requires application of the common seal.

Applicants Submission:

The Commissioner for Main Roads may delegate authority to Authorised Bodies under regulation 297(2) of the *Road Traffic Code 2002*. Executing the authority provides the Shire of Perenjori to use traffic signs and devices for events on roads, subject to abiding by the Code of Practice.

Background:

A similar authority is already in place for the use of signs and devices for road works.

Statutory Environment:

The *Shire of Perenjori Standing Orders Local Law 2006* sets out the requirements for affixing the common seal to any document:

Part 16 - Common Seal**16.1 The Council's Common Seal**

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the [**“Mayor” or “President”**] and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Consultation: Nil

Comment: Nil

Voting Requirements:

Simple Majority

Officers Recommendation:

That the Shire execute the Instrument of Authorisation relating to traffic management for events on roads.

Moved: Cr Benton

Seconded: Cr Hirsch

That the Shire execute the Instrument of Authorisation relating to traffic management for events on roads.

Carried 8/0

7016.6 COMMON SEAL – LOCAL GOVERNMENT SCHOLARSHIP

APPLICANT:	DEPT OF LOCAL GOVERNMENT
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	6 FEBRUARY 2007
ATTACHMENTS	LETTER AND FINANCIAL ASSISTANCE AGREEMENT

Executive Summary:

The Shire of Perenjori has been offered a \$10,000 grant for the employment of an Indigenous trainee, and the Financial Assistance Agreement for the grant requires application of the common seal.

Applicants Submission:

The funding will contribute to the employment of an Indigenous trainee for 12 months. Further incentives are available through the Commonwealth..

Background:

The training opportunity has been advertised and two quality candidates have been identified.

Statutory Environment:

The *Shire of Perenjori Standing Orders Local Law 2006* sets out the requirements for affixing the common seal to any document:

Part 16 – Common Seal

16.1 The Council's Common Seal

- (1.) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2.) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the [**“Mayor” or “President”**] and the CEO or a senior employee authorised by him or her.
- (3.) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4.) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Policy Implications:

Nil

Financial Implications:

Costs not met from grant funds will come from existing wages and salaries allocation.

Strategic Implications:

Nil

Consultation:

Indigenous staff assisted in identifying potential candidates.

Comment:

Nil

Voting Requirements:

Simple Majority

Officers Recommendation:

That the Shire execute the Financial Assistance Agreement related to the Indigenous Scholarship Fund.

Moved: Cr King

Seconded: Cr Cunningham

That the Shire execute the Financial Assistance Agreement related to the Indigenous Scholarship Fund.

Carried 8/0

7016.7 TEAM BUILDING TRAINING

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	8 February 2007
ATTACHMENTS	NIL

Executive Summary:

Landmark Education will be delivering a teambuilding session to staff on the afternoon of Wednesday 28th February 2007.

Applicants Submission:

Landmark Education has agreed to deliver a team building training session for staff on 28th February 2007. The session will commence at 2.00 pm and go for 1.5 to 2 hours. Landmark delivers “break through training” designed to challenge patterns of behaviour that limit success. While it is unrealistic to expect dramatic change from a 2 hour session, it is hoped that the session will help shire staff to work better together.

In order to allow all staff to participate it is intended to close the Shire office for the afternoon.

Elected Members are also invited to participate if they wish. Ideally staff and Elected Members are also working together as a team, and it will provide an opportunity for the two groups to get to know each other a little better.

Background:

Cr Baxter has been undertaking professional development training through Landmark Education, and has been impressed with the quality of material delivered, and recommended Landmark to the CEO.

Landmark Education is not associated in any way with Landmark agricultural supplies.

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:

There is no fee attached to the training session, so the only costs will be in staff time and refreshments.

Strategic Implications:

Council has just completed a process for the development of an ambitious strategic plan. Teamwork within the organisation will be a key success factor.

Consultation:

Cr Baxter was consulted in setting the parameters for the training.

Comment:

Landmark Education offers a free introductory session for potential candidates for the Landmark forum. The session offered will be a modified form of that session, but without the marketing material that is usually included.

Voting Requirements:

Simple Majority

Officers Recommendation:

1. That Council authorise the CEO to close the office from 1 pm on 28 February 2007 to allow all staff to participate in the training.
2. That Elected Members note the proposed training and the invitation to attend.

Moved: Cr Butler

Seconded: Cr Cunningham

1. That Council authorise the CEO to close the office from 1 pm on 28 February 2007 to allow all staff to participate in the training.
2. That Elected Members note the proposed training and the invitation to attend

Carried 8/0

7016.8 PROPOSED STATE SUSTAINABILITY AGENCY

APPLICANT:	SHIRE OF MORAWA
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	7 FEBRUARY 2007
ATTACHMENTS	NIL

Executive Summary:

The Shire of Morawa has suggested that the Department of Environment and Conservation is too narrowly focussed and should become instead the Department for Sustainability allowing it to balance the triple bottom line of environmental, social and economic outcomes.

Applicants Submission:

The agenda item produced by the Shire of Morawa says in part:

The State Government has an opportunity to restructure its operations to introduce a new and improved 'super department' to deal with the core environmental, economic and social sustainability requirements for the benefit of all parties to the proposed mining project development. This department may even consider bringing in the Department for Industry Resources (DOIR) to assist with the economic aspects of each proposed development. Rather than a mining company submitting to and undertaking a Public Environmental Review (for example), it would instead undertake something more rounded such as a Public Sustainability Review (PSR).

Under such a concept, the State Government wins from delivering a truly sustainable project outcome, Local Government / communities win from having a formal mechanism which requires mining proponents to liaise with and negotiate operating benefits / dividend outcomes and the mining industry benefits from having a truly transparent means of gaining streamlined endorsement and statutory approval to each project development. This transparency could extend to improve triple bottom line annual reporting by each mining company in terms of its success / achievements or otherwise reported against the actions and agreements as established as part of the initial PSR approval process. This in itself would bring significant ASX corporate governance and disclosure benefits for owners, directors, shareholders and stakeholders alike.

This position seems to be notionally identified by the outgoing Managing Director of Gindalbie Metals Ltd (Mr David McSweeney) who said, "I would like to see as much importance and emphasis placed on the economic and social benefits these projects can deliver to future generations", p1 Geraldton Guardian 29th November 2006.

Background:

The Background set out in the Morawa document includes:

All new mine development proposals must be assessed by the DOEC for environmental approval prior to commencement. The assessment process may run for any length of time ranging from weeks to 12/18 months depending upon the size of the project and its environmental impacts on the ground. There are currently no requirements for mining proponents to formally consider economic and social impacts.

The emerging iron ore sector located in the Mid West is currently experiencing major difficulties in gaining environmental approval to commence various projects without significant conditions being imposed by the DOEC that restrict future mine development opportunities i.e. Mount Gibson Iron Limited (MGI) Extension Hill Project. The environmental challenges being incurred by the mining sector has reached a point of frustration within most companies.

Existing local governments have no means of ensuring that mining companies deliver a social or economic dividend to the communities in which mining is proposed for development. The only means by which local government does have a say is in relation to local road use (if indeed the mining company has to use such roads for transport access). This means, in itself, is only a once-off bargaining window of opportunity. Once approval has been given, local communities have to rely on the spirit and goodwill of mining companies to gain additional assistance and support for various community projects into the future.

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:

The proposed approach would improve the capacity of Local Governments to influence economic development.

Consultation:

The concept has been adopted by Morawa, Mingenew and the WCRC and will be considered by other Local Governments in the near future.

Comment:

Council has observed the nature and extent of environmental research and reporting that has been undertaken by project proponents. Further proposals have included significant undertakings for investment in environmental outcomes to offset and potential damage. If the same methodology was applied to the social impacts of projects including social investments and offsets the benefits of mining projects would include exponentially. At present the local community has virtually no input. It is only because proponents need to access council managed infrastructure that local government has any influence at all.

Voting Requirements:

Simple Majority

Officers Recommendation:

That the Shire of Perenjori support the Morawa proposal for a new State sustainability agency to replace the Department of Environment and Conservation.

Moved: Cr King**Seconded: Cr Bensdorp**

Council supports the Shire of Morawa proposal for the establishment of a new State Department of Sustainability and encourage them to investigate the concept of the new State Department of Sustainability replacing (or being incorporated into) the existing Department of Environment and Conservation

Carried 8/0

7016.9 CHANGES TO LOCAL GOVERNMENT VOTING SYSTEM

APPLICANT:	WALGA
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	8th FEBRUARY 2007
ATTACHMENTS	Letter from Standing Committee on Environment and Public Affairs

Executive Summary:

The State Government has introduced a Bill that will change the voting system for Local Government Elections from 'first past the post' to proportional representation. The bill has been referred Standing Committee on Environment and Public Affairs, which is calling for submissions by 23 February 2007.

Applicants Submission:

WALGA argues that the change in the voting system:

- Encourages the use of factions and consequently party politics;
- Is less understood by voters and therefore more open to manipulation
- Results in higher error rates by voters and more invalid votes.
- Increases the cost of administering elections.
- Is contrary to specific recommendations of the Local Government Advisory Board
- Was introduced to parliament without prior consultation with the sector.

Background:

The original Local Government Amendment Bill intended to do three things:

- Changes Local Government elections from the first Saturday in May to the third Saturday in October
- Removes an anomaly that would allow 17 year olds to vote.
- Change the voting system in Local Government from a first past the post system to a proportional representation system.

The bill was split, with the first two measures past into law, and the change to the voting system referred to the committee.

The matter of the change to the voting system was listed for consideration at the October 2006 Ordinary Meeting, but was deferred due to additional information in the form of a letter from the Minister arriving after the agenda was prepared.

Statutory Environment:

Local Government Act 1995 Part 4 deals with electoral matters.

Policy Implications:

If the Bill is passed Council may wish to reassess the need for Wards.

Financial Implications:

Counting votes will be a more complex system, which will militate against voting in person elections administered by the Shire. This will increase the cost of running elections.

Strategic Implications: Nil

Consultation: Nil

Comment:

The Local Government Advisory Board and Local Governments generally support the retention of the existing system.

The advantages of the present system are: that it is simple to administer at the local level and there are very few invalid votes.

The proposed voting system would have the following implications:

- Due to the increased complexity postal voting administered the Electoral Commission will become more attractive (and more expensive);
- There would be less need to maintain separate Wards to ensure representation across the Shire, as the proportional representation should produce broad representation;
- There would be less opportunity for a block of single issue candidates getting elected.
- There would be increased cost in standing for Council as candidates would need to consider publishing how to vote cards.
- It would also encourage candidates to enter into preference deals with other candidates, which may also involve trading support on issues likely to come before Council. This could have the effect of politicizing Local Government.

The sector is particularly concerned as it did not become aware of the proposed change until the Bill was introduced to parliament.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council **make / not make** a submission to the Standing Committee on Environment and Public Affairs **opposing / supporting** a change to the voting system.

Moved: Cr West

Seconded: Cr Butler

That Council make a submission to the Standing Committee on Environment and Public Affairs opposing a change to the voting system.

Carried 8/0

7016.10 WOMEN'S FITNESS CLUB

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	9 DECEMBER 2007
ATTACHMENTS	NIL

Executive Summary:

A group of local women wish to form an informal fitness club, and are seeking permission to use the Perenjori Recreation Centre as a base for the activities.

Applicants Submission:

A group of Perenjori women are seeking to form a fitness club. This will involve a series of activities including yoga, aerobics, water aerobics, tennis, squash and exercise circuits. In order to set up this group they have requested some assistance from the Shire including:

- Access to the Perenjori Recreation Centre for exercise equipment, aerobics, yoga, squash and change room/shower facilities;
- Use of the exercise equipment presently stored at the Masonic lodge;
- Permission to set up the exercise equipment in the area adjacent to the squash courts.

Background:

The impetus to set up the club came from Dawn Reid and Sam Smeeton who circulated an invitation to local women to attend a meeting at the sports club to consider the idea. The meeting attracted 25 women, with another 15 indicating interest but unable to attend.

The meeting came to the following conclusions:

- That with the fitness equipment from the Shire and other under-utilised equipment from local residents there would be sufficient equipment for a reasonable gym;
- That the recreation centre would be the ideal location as the equipment could be set up in the area adjacent to the squash courts and would not interfere with functions held in the pavilion;
- That initially the club would be unincorporated, have a nominal membership fee (say \$5), with a gold coin donation for attendance at each activity;
- Funds raised would be used to advertise activities and timetables in the bush telegraph, and to organise semi-regular social functions for members.

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:

Hire charges set out in Council's budget for use of the pavilion include:

▪ Refundable Bond	\$110
▪ Day functions	\$44
▪ Night functions	\$55
▪ Hourly Hire	\$11
▪ Squash Courts per half hour	\$2.75

If these charges were applied to the fitness club they would quickly eat up the nominal contributions of members. If council were to waive charges (at least in the short term) it would forego this revenue (which was not expected or budgeted for), and would probably incur marginally higher charges for power, water and cleaning.

Strategic Implications:

The club would provide a further activity to help attract and retain residents in town. Importantly, the main organisers are younger, newer residents of town, and this is a very welcome development. The activity is not relying on further contributions from existing volunteers.

Consultation:

The CEO met with Ms Reid and Ms Smeeton prior to the meeting, and was available to the meeting to answer questions.

Comment:

The proposed club is a very healthy development which delivers multiple benefits:

- It is a new activity that is likely to be popular with younger people;
- It is being organised by a new generation of volunteers;
- It provides another attraction to people who may consider moving to Perenjori, and for existing residents;
- It makes use of under-utilised recreation facilities
- It should produce health benefits for participants.

The CEO investigated liability issues that could arise:

- Except if the shire is negligent there is no liability from any injury arising from exercise activities;
- There is a limited liability on members if action by the club results in loss or damage to the Shire's insurers. For example if they neglected to lock the building and this resulted in damage by vandals, the Shire's insurer could seek recovery. However this limited liability would be covered under individuals' home and contents policies. A specific policy to cover this type of risk would cost in the order of \$450. Given the relatively low risk it is probably not worth insuring for.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council give permission for use of the exercise equipment and recreation centre;

That Council waive charges for the use of the recreation centre until the end of the 07/08 financial year.

Moved: Cr West

Seconded: Cr Hirsch

That Council give permission for use of the exercise equipment and recreation centre;

That Council waive charges for the use of the recreation centre until the end of the 07/08 financial year conditional on cleaning the premises after uses.

Carried 8/0

7016.9 ERECTION OF MEMORIALS AT LATHAM CEMETERY

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	9 FEBRUARY 2007
ATTACHMENTS	NIL

Executive Summary:

The Shire has been approached to request for headstones to be relocated from Karrakatta to Latham Cemetery, and guidance from Council is required.

Applicants Submission:

An ex Latham resident has approached the Shire for permission for headstones of his parents and brother to be relocated from Karrakatta Cemetery to Latham Cemetery. The section of Karrakatta is being redeveloped. It is likely that as redevelopment of Karrakatta Cemetery continues further similar requests will be forthcoming.

Background: Nil

Statutory Environment:

Cemeteries Act 1986 and the *Shire of Perenjori Local Laws Relating to the Perenjori and Latham Cemeteries* set out the requirements for operating the Latham Cemetery. Both the act and the local laws are silent on the questions raised, and therefore a decision will be required by Council. The Local Law vests in Council the authority of the Cemetery Board for the Perenjori and Latham Cemeteries.

Local Government Act 1995 S6.16 allows Council to set or modify fees and charges at any time, subject to an absolute majority. S6.19 requires that any such changes adopted other than through the budget, be advertised.

Policy Implications: Nil

Financial Implications:

Council's Schedule of Fees and Charges sets a fee of \$440 for burial, most of which is simply the cost of digging the grave. There is no established fee for grant of a right of burial, which is the means by which a burial plot is reserved. The charge for a right of burial was \$4.20 in 1996, but there is no indication of any charge set in subsequent budgets.

Strategic Implications: Nil

Consultation: Nil

Comment:

The request is a reasonable one, but it does raise some questions, including:

1. Is the grant of a right of burial the appropriate means to allocate plots in these circumstances?

In the absence of another device this would seem to be the best approach.

2. Should an area of the cemetery be set aside for memorials that are not associated with a grave?

Given that there is not and unlikely to be in the foreseeable future a shortage of grave sites location of the memorials on empty grave sites is not a serious issue.

3. If memorials are erected on empty graves should there be a requirement for a discrete plaque to indicate that the remains are not interred in this location?

It would be appropriate to indicate those sites where the headstone is a memorial, but not a grave marker.

4. What is the appropriate fee (if any) and should it be the same as that of the right of burial?

A right of burial in effect gives a person a 25 year hold on a burial plot. This can be renewed every 25 years. While these circumstances were clearly not contemplated by the drafters of the act, there is nothing in the act that would prevent the issue of a right of burial in these circumstances.

Voting Requirements:

Simple Majority (Except for setting fee – Absolute Majority required.)

Officers Recommendation:

1. That memorials may be relocated from other cemeteries to the Latham and Perenjori cemeteries subject to the following:
 - That the proponent apply for a right of burial in respect of the affected gravesites;
 - That the memorials meet the requirements of Part 7 of *Shire of Perenjori Local Laws Relating to the Perenjori and Latham Cemeteries*
 - That a discreet plaque be affixed to the reverse of the memorials to indicate that they have been relocated from Karrakatta.
2. That the fee for the grant of a right of burial for 25 years be set at \$25, and that the fee for a right of burial be included in future budgets. (Absolute Majority Required)

Moved: Cr Cunningham Seconded: Cr Butler

That memorials may be relocated from other cemeteries to the Latham and Perenjori cemeteries subject to the following:

- That the proponent apply for a right of burial in respect of the affected gravesites;
- That the memorials meet the requirements of Part 7 of *Shire of Perenjori Local Laws Relating to the Perenjori and Latham Cemeteries*
- That a discreet plaque be affixed to the reverse of the memorials to indicate that they have been relocated from Karrakatta.

That the fee for the grant of a right of burial for 25 years be set at \$25, and that the fee for a right of burial be included in future budgets. (Absolute Majority Required)

Carried 8/0

7017 OTHER BUSINESS

7017.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

WACRRM – Scope

Fire Australia

AGO – 2007 Holiday Planner

Country Housing Authority – Grant

Dept of LG & RD – Local Govt Amendment Act 2006

WCRC – State Infrastructure Strategy Submission

Small Business Centre – Support of Small Business Centre

FESA – Briefing Note

Anderson's Tenement Management – Application for Exploration Licence 70/3101

Gary Mason – Application for Mining Tenement

WALGA – Community Infrastructure Funding Report

WALGA – Info Page – New Federal Cabinet, Graffiti Management

WALGA News – Issue 04.07

WALGA – Public Library Service – Structural Reform Project

Municipal Waste Advisory Committee

WALGA – Economic Briefing

Heritage Council – P1936 St Joseph's Church

Woolworths Limited – National Drought Action Day

Millridge Holdings – Application for Mining Tenement

Community Safety & Crime Prevention Council – New Model for Effective Evaluation of Crime Prevention Partnerships

Workplace Opportunities for Young People in Local Govt

Dept of Premier & Cabinet – Reported Road Crashes in WA 2003

State Road Funds to Local Govt Advisory Committee Minutes

Dept of Prime Minister & Cabinet – Awards and Culture Branch

WALGA – Container Deposit Systems Policy Statement

WALGA – Info Page – Community Development & Justice Standing Committee

WALGA – Training & Development 2007

WACRRM – Annual Report – 05/06

Equal Opportunity Commission – Discrimination Matters Newsletter

7017.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

7017.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

7017.4 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

7017.4.1 LATE ITEM – WATER STORAGE

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER	KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE:	13th FEBRUARY 2007

Executive Summary:

The two concrete tanks at the sports complex have become unserviceable and require either substantial repairs or replacement.

Applicants Submission :

It may be possible to line the bowls club tank, which would cost around \$3,000 to supply and install. If we were to replace the oval tank with approximately the same size tank (97,000 litres) it would cost about \$7,000.

The preferred option would be to remove the bowls club tank and the oval tank and replace both with a larger tank, which could be used to service both the bowling green and the oval.

A tank with a capacity of 202,054 litres would cost around \$10,000 to supply and install. This would be around the same cost as repairing the bowls tank and replacing the oval tank, but we would have an extra 15,000 litres of storage space. For an additional \$1,000 the finish on the tank could be green colour bond rather than zincalume.

Background

The two concrete storage tanks at the sports ground, (1) for the bowling green and the other for the oval have developed major leaks. The bowls tank has become worse with a major crack that prohibits it from being filled to required capacity. The oval tank has a dozen or more cracks which became more noticeable after the weekend gone due to the reticulation on the hockey ground failing and the tanks filling to capacity. Several thousand litres of water leaked from the tank in less than two days.

Statutory Environment:

Absolute majority required for unbudgeted expenditure.

Policy Implications:

Nil

Financial Implications:

Unbudgeted expenditure of around \$11,000

Strategic Implications:

Water is and will remain a critical issue. As both tanks are presently serviced by scheme water the leaks could prove very expensive.

Consultation:

Nil

Voting Requirements:

Absolute Majority

Officers Recommendation:

That Council remove both concrete tanks, replacing them with a 202,054 litre colourbond tank to for a cost of around \$11,000

Moved: Cr King

Seconded: Cr Cunningham

That Council remove both concrete tanks, replacing them with a 202,054 litre colourbond tank to for a cost of around \$11,000 and this be recognised as unbudgeted expenditure to be completed with savings from the Grader & Sidetipper of \$79,000.

Carried 8/0

7017.4.2 LATE ITEM - ROOF STRUCTURE

APPLICANT: WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER: KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 31ST JANUARY 07
ATTACHMENTS

Executive Summary:

In the draft budget for 2006/07, there was application made to have a roof structure erected over the transportable buildings at the new depot as part of the relocation of the Shire's works depot. The estimated cost of the structure was quoted at \$ 26,500 plus GST.

Background

Council removed the roof structure from the budget with an indication to revisit the proposal once confirmation of the mining rates increase was received.

The building of the roof structure would greatly improve the comfort level for employees and provide protection from the elements for the transportable buildings and employees. It was also seen as a requirement when we decided to use transportable buildings for offices and employee amenities.

Statutory Environment:

Policy Implications: N/A

Financial Implications: N/A

It would cost around \$26500 plus GST plus the cost of digging footings and supplying concrete.

Strategic Implications: N/A

Consultation: N/A

Voting Requirements: Simple Majority

Officers Recommendation:

That the Committee recommend to Council that money be allocated for the erection of a roof structure over the transportables at the new depot for this financial year, 2006/07.

Committee Recommendation:

Moved Cr Butler, Seconded Cr Bendsdorp

That \$32,000 be allocated for the erection of a roof structure over the transportables at the new depot for this financial year, 2006/07.

Carried 3/0

Moved: Cr King

Seconded: Cr Cunningham

The Ceo investigate the cost of a dedicated office complex and also alternative shade structures over the transportables and present if possible to the next meeting of Council.

Carried 8/0

7017.4.3 LATE ITEM - ADDITIONAL PLANT PURCHASES

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	1 February 2007
ATTACHMENTS	Nil

Executive Summary:

Two new passenger vehicles are required for operational needs and it is more financially beneficial to purchase rather than lease.

Applicants Submission:

Two new passenger vehicles are required as follows:

- A renegotiated contract with the Mechanic includes provision for a nine day on, 5 day off contract with provision for assistance with travel costs between Perenjori and Perth. The most effective way to provide this assistance is through use of a Council vehicle. The vehicle would be available for other purposes while in Perenjori.
- The Economic Development Officer is presently using the lease vehicle secured for the greenkeeper. This lease expires in March, and it is more cost effective to purchase at discounted prices rather lease.

In each case a six cylinder passenger vehicle would be the most suitable as they generally attract higher fleet discounts and better resale values.

Background:

When the budget was prepared the leased green keeper's vehicle was not included for replacement as it is not a Shire asset.

The requirement for a vehicle for the mechanic arose out of salary contract negotiations.

Statutory Environment:

Local Government Act 1995 S 6.8. provides as follows:

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

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

** Absolute majority required.*

(1a) In subsection (1):

additional purpose~ means a purpose for which no expenditure estimate is included in the local government's annual budget.

Policy Implications: Nil

Financial Implications:

A 6 cylinder passenger vehicle would cost in the order of \$25,000, that is \$50,000 for two vehicles. The lease costs for similar vehicles would approximate \$450 per month or \$5,400 per year.

On the two major items of plant for this financial year (side tipper and grader) Council is \$79,000 under its budgeted expenditure.

Strategic Implications: Nil

Consultation: Nil

Comment:

It would be possible to lease vehicles instead of purchasing, which would be an expense rather than a capital purchase. However purchase is preferred because:

- Council receives a return of less than 6% on cash held, but interest costs on leasing are close to 9%
- Lease vehicles are not a council asset and belong the lease company;
- There are significant penalties for early termination of leases, whereas Council vehicles may be sold and or traded as needs change.
- Fleet discounts available to Local Governments are very attractive compared to commercial fleet discounts.

Voting Requirements:

Simple Majority (Absolute Majority Council Resolution required)

Officers Recommendation:

That the committee recommend that Council purchase two 6-cylinder vehicles from the saving in plant replacement.

Committee Recommendation:

Moved Cr Bendsorp, Seconded Cr Butler

That Council purchase two 6-cylinder vehicles from the saving in plant replacement.

Carried 3/0

Moved: Cr West

Seconded: Cr Butler

That Council purchase a 4 cylinder vehicle for business use by the Economic Development Officer and that this be recognised as unbudgeted expenditure and cost to be retrieved from savings from Grader & Sidetipper of \$68000.

Carried 8/0

Moved: Cr Hirsch

Seconded: Cr West

That Council do not purchase a vehicle for use by the Mechanic.

Carried 5/3

Moved: Cr King

Seconded: Cr Butler

That Council consider allocating \$10000 in the 2007/08 budget for Tardun Dry season start up fund for the North East Farming Future.

Carried 8/0

7017.5 MATTERS BEHIND CLOSED DOORS

Nil

7017.6 DATE OF NEXT MEETING / MEETINGS

Next meeting of Council to be held on 15th March 2007

7017.7 CLOSURE

There being no further business the meeting was closed at 5.54pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 15th February 2007.

Signed: _____

Presiding Elected Member

Date: _____