Shire of Perenjori

MINUTES

Ordinary Council Meeting

To be held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 21 August 2008, to commence at 1.30PM.

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8081 PRELIMINARIES

8081.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
The Chairman declared the meeting open at 1.30pm

8081.2 OPENING PRAYER
Cr Baxter led Council in the opening prayer.

8081.3 DISCLAIMER READING
Nil

8081.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE
Present:
- Cr B T Baxter
- Cr G K Reid
- Cr J A Bensdorp
- Cr L C Butler
- Cr J H Hirsch
- CEO Stan Scott
- DCEO Domenica Curtin
- Works Supervisor Ken Markham
- EDO Phil Cleaver
- MCS Garry Agnew
- Minute Taker Dawn Reid
- Visitor Jo Wood
- Stewart Coles
- Jodie Gellatly

Apologies
- Cr C R King
- Cr R A Benton
- Cr J R Cunningham
- Cr I F West

8081.5 PUBLIC QUESTION TIME
Nil

8081.6 PETITIONS / DEPUTATIONS / PRESENTATIONS

8081.7 NOTATIONS OF INTEREST
- Financial Interest – Local Government Act s 5.60A
- Proximity Interest – Local Government Act s 5.60B
Cr B T Baxter – Item 8085.1
Cr J A Bensdorp – Item 8086.5
Cr B T Baxter – Late Item 8087.4

Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.

8081.8 APPLICATIONS FOR LEAVE OF ABSENCE

Moved: Cr Bensdorp   Seconded: Cr Hirsch
That Council approve a leave of absence for Cr C R King, Cr R A Benton, Cr J R Cunningham, Cr I F West for the current meeting.
CARRIED: 5/0

8081.9 CONFIRMATION OF MINUTES

Moved: Cr Bensdorp   Seconded: Cr Butler
That the Minutes of the Ordinary meeting of Council held 17th July 2008 be accepted as a true and correct record.
CARRIED: 5/0

Moved: Cr Reid   Seconded: Cr Hirsch
That the Minutes of the Special meeting of Council held 7th August 2008 be accepted as a true and correct record.
CARRIED: 5/0

8081.10 ANOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION
Nil

8081.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
Nil

8082 ECONOMIC DEVELOPMENT REPORT
NIL
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. A report detailing the variances is also included.
Other Financial statements are also attached as per the Finance Committee preferences.

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

Officers Recommendation:

1. **Statement of Financial Activity**
   That the Statement of Financial Activity for the period ended 31st July 2008 including report on variances be accepted as presented.

2. **Finance Report**
   That the Finance Report for the period ended 31st July 2008 be accepted as presented.

3. **Acquisition of Assets**
   That the Acquisition of Assets Report for the period ended 31st July 2008 with a balance of $115,894.70 as presented be received.
4. Reserves Report
That the Reserves Report for the period ended 31\textsuperscript{st} July 2008 with a balance of $1203949.00 as presented be received.

5. Net Current Assets
That the Net Current Assets report for the period ended 31\textsuperscript{st} July 2008 as presented be received.

6. Bank Reconciliation’s
That the balances of the Municipal Fund of $72531.88 and the Trust Fund of $35391.31 as at 31\textsuperscript{st} July 2008 as presented be received.

7. Sundry Creditors Report
That the Sundry Creditors Report for the period ended 31\textsuperscript{st} July 2008 with a balance of $ as presented be received.

8. Sundry Debtors Report
That the Sundry Debtors Report for the period ended 31\textsuperscript{st} July 2008 with a balance of $ as presented be received.

9. Accounts for Payment
That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 16505 to 16571 and EFT Numbers 462 to 525 for $530467.19 and the Trust Account consisting of Cheque Number 748 to 752 for $443.50 for the period ended 31\textsuperscript{st} July 2008 as presented be accepted.

10. Rates Outstanding
That the Rates Outstanding Report for the period ended 31\textsuperscript{st} July 2008 with an outstanding balance of $46646.00.

Moved: Cr Butler     Seconded: Cr Hirsch
That items 1-10 relating to the Statement of Financial activity for period ended 31\textsuperscript{st} July 2008 be accepted as presented.

CARRIED: 5/0
### Executive Summary:

Shirley Nannup was charged $8.00 for the damaged of a library DVD ‘The Kimberly’ issued 9th November 2006. Policy Number 151 has been adhered with the exclusion of being sent to the debt collectors due to it being uneivable.

### Statutory Environment:

N/A

### Policy Implications:

Policy Number 151 – Reminder letter be sent 21 days after original account, allowing 7 days to settle or make arrangements to clear debt; After 28 days further letter stating legal action will commence if unresolved within 7 days; After 35 days sent to debt collectors.

### Financial Implications:

04008 Bad Debts Expense has a budgeted expenditure of $3000.00.

### Strategic Implications:

N/A

### Consultation:

Austral Mercantile

### Voting Requirements:

Simple Majority

### Officers Recommendation:

That Outstanding debtor Shirley Nannup $8.00 be written off as a bad debt.

### Council Resolution:

Moved: Cr Hirsch  
Seconded: Cr Butler  
That Outstanding debtor Shirley Nannup $8.00 be written off as a bad debt.  

CARRIED: 5/0
8084 PLANT AND WORKS
Nil

8085 HEALTH BUILDING & PLANNING

Cr Brian Baxter declared an Interest in the following item.

8085.1 A & J GELLATLY PLANNING CONSENT

APPLICANT: ALAN & JANICE GELLATLY
FILE: 508.02
DISCLOSURE OF INTEREST: NIL
AUTHOR: GARRY AGNEW - MCS
RESPONSIBLE OFFICER GARRY AGNEW - MCS
REPORT DATE: 5 AUGUST 2008
ATTACHMENTS 8082.1.1a and 8082.1.1b

Executive Summary:
Council is asked to consider an application from Alan and Janice Gellatly for “Planning Consent” to develop a Road House at Lot 300 Mullewa Wubin Road Perenjori.

Comment:
An application for Planning Consent has been received from Alan & Janice Gellatly for the development of a Road House at Lot 300 Mullewa Wubin Road Perenjori.

The application states:
Re: Shire approval to establish a Road House
We are requesting Council approval to establish a roadhouse at Lot 300 Mullewa Road, consisting of a shop front with commercial kitchen that will pass health regulations. We would also like to place at the rear, accommodation units being 6 room portable units plus an ablution block with three showers, two toilets and wash trough.
If possible we would like to be up and running with the roadhouse part of the business by the beginning to middle September.
Attached are drawings of what we propose to do.
Can we please have a reply as soon as possible.
Yours sincerely
Alan and Janice Gellatly

The drawings are attached as Attachments 8037.1.1a & 8037.1.1b.
Shire of Perenjori Town Planning Scheme No. 1.

Lot 300 Mullewa Wubin Road is zoned “Town Centre” (commercial) under the Shire of Perenjori Town Planning Scheme No. 1.

Part V – DEVELOPMENT REQUIREMENTS

5.1 Development of Land
5.1.1 Subject to clause 5.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

Table ‘1’ Zoning Table
The Zoning Table indicates the permitted uses in the Scheme Area in the various zones with such uses being determined by cross reference to a symbol.

<table>
<thead>
<tr>
<th>Class of use</th>
<th>Zone</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Café/Restaurant</td>
<td>Town Centre</td>
<td>‘P’</td>
</tr>
<tr>
<td>Fast Food Outlet</td>
<td>Town Centre</td>
<td>‘AA’</td>
</tr>
<tr>
<td>Residential</td>
<td>Town Centre</td>
<td>‘AA’</td>
</tr>
<tr>
<td>Shop</td>
<td>Town Centre</td>
<td>‘P’</td>
</tr>
</tbody>
</table>

The symbols used in the cross reference in the zoning table have the following meanings:-

‘P’ Means that the use is permitted provided it complies with the relevant standards and the requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

‘AA’ Means that Council may, at its discretion, permit the use.

SCHEDULE 1 – INTERPRETATIONS

Café/Restaurant: means land and buildings used for the sale of prepared food and drinks for consumption.

Fast Food Outlet: means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further
preparation, primarily off the premises, but does not include a fish shop.

Residential building: means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto: such building being used or intended, adapted or designed to be used for the purpose of human habitation:
- temporarily by two or more persons, or
- permanently by seven or more persons.

Health Act 1911 (as amended)

HEALTH (FOOD HYGIENE) REGULATIONS 1993

Part 2 - Division 1

4 (1) A person who –
(a) in premises, stores, keeps, prepares, manufactures, processes, cooks, serves or otherwise deals with food for subsequent sale to the public, either directly or indirectly; or

(b) in a vehicle, keeps, prepares, packs, stores, handles, serves, supplies or conveys food for sale to the public, where the premises or vehicle are not classified under Schedule 3, commits an offence.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 –

Section 374

No person shall –
(a) lay out for a building, or commence or proceed with a building on, land in a district; or
(b) in respect of the structure of a building already erected on land in a district, amend, alter, extend, or enlarge, or commence or proceed with the amendment, alteration, extension, or enlargement of the structure of the building, until he has caused to be submitted to the local government, and the local government has approved by the issue to the person of a building licence in the prescribed form and on payment of the prescribed fee, a copy of the specifications of, and a plan showing clearly, the building or the buildings proposed to be built, or the amendment, alteration, extension, or enlargement proposed to be made, as the case may be, and the area of land to be occupied by each building, or by the amendment, alteration, extension or enlargement of the existing buildings, as the case may be, and the position of the privies and drains and unless he complies with the conditions, if any, that are specified in the licence.

Penalty: Maximum penalty of $5,000 and in addition a maximum daily penalty of $100 for each day during which the offence continues; minimum penalty of $200 and in addition a minimum daily penalty of $20 for each day during which the offence continues.
Conclusion

Considering the above statutory requirements it is clear that the application to develop a kitchen (food premise) within the existing building at Lot 300 Mullewa Wubin Road Perenjori is permitted under the Shire of Perenjori Town Planning Scheme No. 1; conditional upon the submission of an application for and the issue of a Building Licence; and that the kitchen must not commence operation until/unless it is found to be in compliance with the requirements of the Health (Food Hygiene) Regulations 1993 and has been Registered as a Food Premise under the Food Standards Code.

In terms of the application for an accommodation facility at the rear of the existing building Council may at its discretion permit the use.

**Statutory Environment:**
- Shire of Perenjori Town Planning Scheme No.1
- Health Act 1911
- Health (Food Hygiene) Regulations 1993
- Food Standards Code

**Policy Implications:** Nil

**Financial Implications:** Nil

**Voting Requirements:** Simple Majority

**Officers Recommendation:**

1. Planning consent is granted to Alan and Janice Gellatly for the development of a food premise within the existing commercial building at Lot 300 Mullewa Wubin Rd Perenjori; conditional upon –
   (a) the submission of a formal building application and the issue of a Building Licence prior to any development work being commenced; and
   (b) that the food premise is not to open for commercial operation until it has been Registered as a compliant Food Premise under the Food Standards Code.

2. Conceptual planning approval only is granted to Alan and Janice Gellatly for the development of an accommodation facility at the rear of the existing commercial building at Lot 300 Mullewa Wubin Road.

Final Planning Consent will only be considered following the submission to Council of a detailed scaled site layout plan together with the design, structural specifications and development quality (new or second-hand) of the proposed short term accommodation facility.
Committee Recommendation:

1. Planning consent is granted to Alan and Janice Gellatly for the development of a food premise within the existing commercial building at Lot 300 Mullewa Wubin Rd Perenjori; conditional upon –
   a. the submission of a formal building application and the issue of a Building Licence prior to any development work being commenced; and;
   b. that the food premise is not to open for commercial operation until it has been Registered as a compliant Food Premise under the Food Standards Code.

2. Conceptual planning approval only is granted to Alan and Janice Gellatly for the development of an accommodation facility at the rear of the existing commercial building at Lot 300 Mullewa Wubin Road.

Final Planning Consent will only be considered following the submission to Council of a detailed scaled site layout plan together with the design, structural specifications and development quality (new or second-hand) of the proposed short term accommodation facility.

Council Resolution

Moved: Cr Bensdorp  Seconded: Cr Reid

That this item will be laid on the table until special meeting held on 26th August 2008, due to lack of quorum.

CARRIED: 5/0
Executive Summary:

Council is asked to consider an application for Planning Consent from Jodie & Stewy (Perenjori Motor Torque) to develop an extension to their mechanical workshop at Lot 301 Mullewa Wubin Road Perenjori.

Comment:

An application has been received from Jodie & Stewy (Perenjori Motor Torque) to develop an extension to their mechanical workshop at Lot 301 Mullewa Wubin Road Perenjori.

The application states as follows:

To: Shire of Perenjori

Please find attached plans of proposed extensions at the workshop. The building will be used for the same as it is now.

The shed will be erected next to the existing one, sharing a common gutter and flashing etc. PA doors will be installed as per regulations.

Any further queries please contact either of us on the above numbers.

Regards

Jodie & Stewy

Perenjori Motor Torque

5 August 2008

The plan is as Attachment 8037.1.2a.

Shire of Perenjori Town Planning Scheme No. 1

Part V – DEVELOPMENT REQUIREMENTS

5.1 Development of Land

5.1.1 Subject to clause 5.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained
the planning consent of the Council under the Scheme.

Table ‘1’ Zoning Table

The Zoning Table indicates the permitted uses in the Scheme Area in the various zones with such uses being determined by cross reference to a symbol.

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<th>Zone</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle – Repair Station</td>
<td>Town Centre</td>
<td>‘AA’</td>
</tr>
</tbody>
</table>

‘AA’ means that Council may, at its discretion, permit the use.

SCHEDULE 1 – INTERPRETATIONS

Motor Vehicle Repair Station: Means land and buildings used for the Mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.

The plan attached to the application shows that there is no change to the main entry to the workshop yard nor any modification to the cross-over area. Non-the-less there is a minor modification to the front fence line adjacent to the front entry to allow the development of a visitor car park - this may be considered an improvement to the current situation.

Notwithstanding the ‘AA’ use symbol allocated under the zoning table in the Scheme the proposed development is an extension for growth to an existing approved activity therefore it is considered appropriate that the application for planning approval is granted.

Statutory Environment:
Shire of Perenjori Town Planning Scheme No.1

Policy Implications: Nil

Financial Implications: Nil.

Voting Requirements: Simple Majority

Officers Recommendation:
Planing consent is granted to Jody & Stewy (Perenjori Motor Torque) for the development of an extension to the existing mechanical work shop at Lot 301 Mullewa Wubin Road Perenjori; conditional upon construction not being commenced until a formal Building Licence has been obtained from the Shire.
Moved: Cr Bensdorp    Seconded: Cr Butler
Planing consent is granted to Jodie Gellatly & Stewart Coles (Perenjori Motor Torque) for the development of an extension to the existing mechanical work shop at Lot 301 Mullewa Wubin Road Perenjori; conditional upon construction not being commenced until a formal Building Licence has been obtained from the Shire.

CARRIED: 5/0

8085.3  COMMUNITY CONSULTATION – PERENJORI SWIMMING POOL

APPLICANT:  MCS
FILE:  304.08
DISCLOSURE OF INTEREST:  NIL
AUTHOR:  GARRY AGNEW - MCS__________________
RESPONSIBLE OFFICER  GARRY AGNEW - MCS__________________
REPORT DATE:  7 AUGUST 2008
ATTACHMENTS  8082.3.1a, 8082.3.1b & 8082.3.1c

Executive Summary:
Council is advised of the outcome of a Community Consultation Meeting held at the Perenjori Pavilion on the 30 July 2008 commencing at 4:30pm.

Comment:
Council is referred to Item 8053.1 of its May 2008 Ordinary Meeting.
“Council endorses the preferred site selected by the Swimming Pool Committee which is to be taken to the community for public consultation at the appropriate stage”

COMMUNITY CONSULTATION
The following Notice was placed on the Public Notice Board, in the Bush Telegraph as well as being distributed via a Post Drop.

PUBLIC NOTICE
PERENJORI POOL UPGRADE
COMMUNITY CONSULTATION
WEDNESDAY 30TH JULY
4.30PM
PERENJORI PAVILLION

PLEASE COME ALONG TO BE INFORMED OF PLANS FOR THE REPLACEMENT OF THE POOL FACILITY AND HAVE YOUR SAY.
ALL WELCOME!

The meeting was Chaired by the MCS with Colin Hassell as invited consultant and commenced at 4:30 pm with 17 public in attendance.

The general format of the meeting was as follows:

- Summary of the history of the Perenjori Pool - MCS;
- Overview of the slow structural degradation of the pool facilities over time - MCS;
- Overview of the current structural status of the pool - MCS and Colin Hassell;
- Explanation on the statutory requirements of public pool maintenance and operation - MCS and Colin Hassell;
- Explanation of the changed statutory requirements following the recent promulgation of the Aquatic Facilities Code – MCS and Colin Hassell;
- The statutory requirement of compliance with Health Department of WA and Royal Life Saving Society requirements and specifications – MCS and Colin Hassell;
- A power point presentation of pool design options and possible site locations for a new pool - MCS;
- The decision made by the Swimming Pool Committee regarding the preferred location and the reasons for that decision - MCS;
- Reasons for Colin Hassell and Gary Clark’s (Sport & Recreation) support of the preferred location;
- Advice on anticipated cost of constructing a new pool – MCS and Colin Hassell;
- Advice on Council resolution 8053.1 of its May 2008 Meeting – re: preferred location and pool design - MCS;
- Explanation of application procedure for support funding through the Sport and Recreation Council and the 1/3, 1/3, 1/3 contribution obligation – Colin Hassell;
- Summary of the extensive detail required for the funding application submission and the tight time-frame for application submission – Colin Hassell;
- Discussion on the consequence of doing nothing or if the application for S&R funding support is not successful – MCS and Colin Hassell; then
- Questions.

Conclusion:

Council is informed that there were several questions of clarification asked during the presentation and at question time but there was no questioning of the purpose for the meeting; nor the obvious need to urgently commence the process for replacement of the old failed Perenjori Pool.

Generally the attendees were only concerned about the consequence if the current pool had to be closed or if Council’s S&R grant application was unsuccessful.
Notwithstanding the before-mentioned; a suggestion was made by two attendees that the new pool should be located beside the tennis courts to consolidate recreation facilities in that area – not the preferred location as presented.

It was explained that the Swimming Pool Committee had seriously considered no less than six locations within the Recreation Reserve and that its final selection was arrived at after long deliberation because it was considered to have the best presentation profile, it was adjacent to an existing sealed parking area, it was a short safe walking distance from the town generally and did not interfere with any other facility or activity within the Recreation Reserve; nevertheless the final location was a decision of Council following the outcome of this Community Consultation process.

The meeting was closed at 6:00pm.

The Swimming Pool Committee met again on the 5 August 2008 to discuss the issues raised at the Community Consultation Meeting.

At that Committee Meeting a copy of an e-mail and attachment was tabled – see Attachment 8037.1.3a.

Consequent to the suggestion for the alternate location for the new pool and the receipt of the tabled copy of e-mail (Attachment 0837.1.3a) the Swimming Pool Committee resolved that it should re-assess the alternate location as suggested at the Community Consultation Meeting.

The conclusion reached by the Committee was that though the concept of consolidating recreation development/facilities at the Recreation Reserve has merit there were disadvantages in locating the new pool beside the tennis courts as displayed on the aerial photograph attached to the e-mail.

Those disadvantages are considered to be as follows:-

- Underground power and water services run through the area depicted;
- The toilet block to the north of the oval would need to be demolished;
- It interfered with the vehicle access way around the oval;
- There is no nearby established parking;
- The facility would be hidden from general view and passing traffic;
- The existing children playground equipment east of the current pool will require relocation;
- There is concern with its closeness to a Licensed Premise and the potential after hour’s illegal hidden entry into the pool over fences;
- It was too close to the Bowling Green for the avoidance of distracting noise from youth playing in the pool confines during bowls competitions;
- Pool facilities (toilets/ablutions) are specific for pool patrons only;
- There would be additional development costs due to two ground levels within the area suggested;
- The strict time-frame for S&R funding application does not allow sufficient time for further Community Consultation;
The Swimming Pool Committee is of the view that location beside the tennis courts would be congested development;

The close safe walking distance from town to the preferred location is compromised – 90%> of the pool patrons are children/youth who use the pool throughout the week and walk for their home;

Shire staff believe that it would not address the level of minor vandalism at the Pavilion as the preferred location would;

The design of the pool would need to be re-drafted to try and compliment the new location; and

Sport and Recreation Department would need to be consulted again to assess whether the alternate location would be supported.

It is the opinion of the Swimming Pool Committee that the preferred location between the hockey ground and Recreation Reserve entrance should be preserved – see Attachment 8037.1.3b.

Also attached as Attachment 8037.1.3c is a draft sketch showing the possible layout of a new pool as agreed to by the Swimming Pool Committee.

Attachment HB8082.3(a), (b) and (c) were received on 13th August 2008.

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: Subject to S & R Funding and budget allocation.

Voting Requirements: Simple Majority

Officers Recommendation:
That the Perenjori Pool Re-development Community Consultation Meeting held on the 30 July 2008 is acknowledged and that preferred location of the new pool beside the hockey ground is re-affirmed.

Committee Recommendation:
That the Perenjori Pool Re-development Community Consultation Meeting held on the 30 July 2008 is acknowledged and that preferred location of the new pool beside the hockey ground is re-affirmed.

Council Resolution:
Moved: Cr Bensdorp    Seconded: Cr Reid

That the Perenjori Pool Re-development Community Consultation Meeting held on the 30 July 2008 is acknowledged and that preferred location of the new pool beside the hockey ground is re-affirmed.

CARRIED: 5/0
1. SEWAGE DISPOSAL SYSTEMS

The 2008/09 Building Management Draft Budget included the installation of new leach drains at Lot 159 & 160 John Street to replace the original failing systems – this proposed work was not successful for inclusion in the adopted 2008/09 budget.

Council is informed that following the recent rains the original sewage effluent disposal system at Lot 159 failed resulting in sewage effluent overflowing in the back yard.

As this situation was a serious health concern for the occupant’s at Lot 159 a decision was made to address the issue by installing a new final disposal system out of budget – the cost of the work will need to be absorbed within the current Building Management Budget.

Council is now in receipt of a request from Stewy and Jodie for the same to occur at Lot 160 John Street.

Officer Recommendation
The urgent installation of a new sewage disposal system at Lot 159 John Street is endorsed and that the installation of a new sewage disposal system at Lot 160 is agreed to.

Committee Recommendation
The urgent installation of a new sewage disposal system at Lot 159 John Street is endorsed and that the installation of a new sewage disposal system at Lot 160 is agreed to due to Health Issues. This be recognised as unbudgeted expenditure.

Council Resolution
Moved: Cr Hirsch Seconded: Cr Bensdorp
The urgent installation of a new sewage disposal system at Lot 159 John Street is endorsed and that the installation of a new sewage disposal system at Lot 160 is agreed to due to Health Issues. This be recognised as unbudgeted expenditure.

Cr Baxter moved an amendment to the motion:
Moved: Cr Baxter Seconded: Cr Butler
The urgent installation of a new sewage disposal system at Lot 159 John Street is endorsed and that the installation of a new sewage disposal system at Lot 160 is agreed to due to Health Issues. Staff to identify the area in the budget for the new sewage disposal unit to come out of.

CARRIED: 5/0

The amendment now becomes the motion:
20

Shire of Perenjori
ORDINARY MEETING
MINUTES
21st August 2008

Council Resolution
Moved: Cr Baxter     Seconded: Cr Butler
The urgent installation of a new sewage disposal system at Lot 159 John Street is endorsed and that the installation of a new sewage disposal system at Lot 160 is agreed to due to Health Issues. Staff to identify the area in the budget for the new sewage disposal unit to come out of.

CARRIED: 5/0

2. SUBDIVISION UPDATE – 900 JOHN STREET.

GHD has advised that it is still waiting for the installation of the electrical transformer by Western Power.

Final certification by Water Corporation and Western Power cannot occur until after the transformer is installed.

Council is informed that GHD has advised that they have been in constant contact with Western Power in an effort to encourage early completion and certification of the subdivision.

3. APPLICATION FOR LEASE.

An application has been received from a private individual to lease a Shire residence.

Applicant: Mel Leggerini

Reason: Mr Leggerini advises that the reason for leaving his last rental property in Meckering is that he now has employment with Gindalbie Metals. Mr Leggerini has given Allan Gellatly as a personal referee. I am advised that Mr Leggerini is currently sleeping in his car at the Caravan Park. Council is informed that Lot 107B Livingstone Street is currently vacant (single persons unit).

The Shire is currently advertising to fill two outside staff vacancies. There are currently two houses vacant for those positions (29 Livingstone Street & 60 Hesford Street) leaving 107B Livingstone Street (single person’s unit) as surplus housing.

Submitted for Council direction.

Committee Recommendation:

That staff investigate previous rental history, and if satisfactory offer Mr Leggerini the rental of Lot 107B Livingstone Street, Perenjori.

Staff advised that alternative accommodation had been sourced by Mr Leggerini and was not longer required.
3. APPLICATION FOR SUBDIVISION.

The Western Australian Planning Commission has notified Council that it has received an application for planning approval from Fugro Spatial Solutions Pty Ltd (on behalf of Allan William Hesford (Deceased)) for subdivision of Lot 4769 Mullewa-Wubin Road, Perenjori- see Attachments.

Lot 4769 is zoned “Rural” under the Shire of Perenjori Town Planning Scheme No.1 and the purpose of the subdivision is stated as Agriculture/Railway Siding.

The WAPC requires comment or recommended conditions by the 15 September 2008 – prior to the September 2008 Council Meeting.

Council is aware that Planning Consent has been granted to Mount Gibson Mining for the Perenjori/Rothsay Rail Siding and this application for subdivision is related to that project.

Officers Recommendation

The WAPC is to be advised that Council does not have objection to the proposed subdivision of Lot 4769 as referred to in WAPC No. 138238.

Committee Recommendation

The WAPC is to be advised that Council does not have objection to the proposed subdivision of Lot 4769 as referred to in WAPC No. 138238.

Council Resolution

Moved: Cr Reid
Seconded: Cr Butler

The WAPC is to be advised that Council does not have objection to the proposed subdivision of Lot 4769 as referred to in WAPC No. 138238.

CARRIED: 5/0

THE MCS, GARRY AGNEW LEFT THE MEETING AT 3.00PM
Executive Summary:
The MWRC met on 6 August 2008. The main issues discussed were the Engineering and Technical Services Unit and the formation of an MWRC Working Group to consider changes to the operation of the MWRC.

Applicants Submission:
The MWRC met on 6 August 2008. The main issues for discussion were as follows:

**Engineering and Technical Services SDU**

All shires have considered the Business Case and the results are as follows:

**Resolved to Participate**
- Morawa
- Mullewa
- Perenjori

**Yet to Determine Participation**
- Mingenew
- Three Springs

**Resolved NOT to Participate**
- Carnamah
- Coorow

As the unit has received support from a grant from DLGRD Council’s budget allocation for 08/09 will be more than adequate to cover any obligation this year. With only 5 shires participating the average contribution in subsequent years will approximate $42,000, with actually costs dependent on usage of the service. This will be more than offset by the benefits if we are successful in securing participation in the Main Roads Integrated Service Agreement.

The Regional Council resolved as follows:

Subject to an affirmative response from the Shires of Mingenew & Three Springs to participate in the Engineering & Technical Services Unit:
1. Council agree to continuing with the Unit with five participating Shires and forward a revised copy of the Service Agreement to these Shires for endorsement and signing;

2. Council provide the Department of Local Government & Regional Development with a copy of the revised, endorsed and signed Service Agreement, seeking confirmation of their agreement to;
   a) Endorse the Agreement with a reduced number of participants;
   b) Agree to contributing the full grant amount in 2008/2009 for the establishment of the Unit, as the five participating Shires will cover all costs beyond Year 1.

3. The MWRC approach neighbouring councils to consider purchasing services from the Engineering & Technical Services Unit:

**Future of the MWRC**

The CEO presented a discussion item prompted by the decision by Coorow and Carnamah to give notice of their intention to withdraw from the MWRC in July 2010. The item raised a number of possibilities including:

- **Boundary Adjustments** - Possible boundary adjustments to ensure (to use WALGA's terminology) the "Catchment of Common Interest" is correct for the Regional Council. Thus will hopefully reduce the amount of localised issues facing the Regional Council. The example I have used (which has upset a few) is the obvious localised issue of the Coorow Coastal pull being experienced by this Shire. This is not a criticism of Coorow (yet appears to have been taken that way) rather a fact which has been regularly expressed by people at Coorow. The fact remains it is an issue for this Shire and whether knowingly or unknowingly (and am sure in most cases it is the later), has had an undermining affect upon the operations of the MWRC.

  Boundary realignments (voluntary of course) may result in the Regional Council being strengthened if the "Catchment of Common Interest" is strengthened (i.e. Become more hinterland and less coastal orientated in our interests)

- **Regional Council Structure** – Is the current structure of the Regional Council the best option? Do we need another administration and another CEO, or could this be undertaken by a member Shire (i.e. as per the Pilbara Regional Council).

If the $$$'s continue to be the focus of the Regional Council's survival, then perhaps we need to revisit how we are administered and operated at a governance level. There will always be a cost to governance and the MWRC should not be placed in a position were it is asked "what do we get for our money" when budgets are presented and governance is the main component of the budget. I have had this question thrown at me on several occasions over the past few months whilst developing the 2008/2009 Budget and find it strange the Delegates and CEO's do not already have the answer to this question before it gets to me. Why am I defending the MWRC governance costs when it is a decision of the member Shires (under the Establishment Agreement) that the administration/governance costs of the MWRC are shared equally amongst member Shires? The answer is already there.
Weakening the Governance/Administration level of the MWRC will also weaken the lobbying/advocacy role of the MWRC. Perhaps this is a price which needs to be paid to keep the MWRC operational in the first instance whilst Services are developed, then strengthen this area at a later date.

- **Service Delivery Units** – I believe it is imperative the MWRC settles on specific Service Delivery Units and lock them in as core operational costs of the Establishment Agreement, rather than the current situation of seeking a sufficient level of participation for these Units, which ultimately determines their introduction or not.

The Service Units I believe should be locked in to the Establishment Agreement are:

a) Engineering & Technical Services;
b) Finance & Accounting Services; and
c) Corporate Compliance Services

I have not included Environmental Health, Building and Planning Services because these are either already being catered for adequately (i.e. EHO) or there is not a strong demand for them (i.e. Planning). Others may obviously disagree with the list, which is understandable. However, the concept of locking member Shires into **CORE SERVICES** is what I am advocating.

Once the Establishment Agreement has been structured to lock Shires into Core Services and the governance/administration structure which best suits the Regional Council is determined, the annual contribution will be calculated on this model and a Shire is responsible to pay this amount, irrespective of whether they use the Service or not. I am sure Shires will use a service if they are paying an annual contribution. This system removes the anomaly of seeking enough participants to introduce a Service and may work far better with fewer Shires (e.g. five rather than seven). This model also **makes** Shires introduce structural reform within their own organisation, rather than Shires doing this only if they feel like it. I believe this would send an extremely strong message to the State & the communities that we are serious about introducing change in an attempt to save our communities/Shires.

- **MWRC Delegates/Proxy Delegates** – I also believe it is integral to the success of the Regional Council for the Establishment Agreement to stipulate the President of the Shire is to be the MWRC Delegate or Proxy Delegate. This must not be taken as an offensive remark to those existing Delegates/Proxy Delegates who are not Presidents of their Shires as they are all doing a terrific job in very difficult and trying circumstances. However, for the MWRC to retain its status and prestige in the community, which in-turn portrays similar aspects and values at a State, Council and Community level, I believe the President must be the Delegate or Proxy Delegate.

The MWRC Resolved as follows:
On 11 August 2008 the MWRC CEO advised by email that he has resigned as CEO of the Mid West Regional Council. Under the provisions of his contract Mr Battilana will be serving out a two month notice period. This adds a degree of urgency to resolving the future direction of the MWRC.

Background:
Perenjori is one of the seven members Council that comprise the MWRC.

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:
If the Regional Council proceeds beyond June 1020 with 5 members the cost for each of the member Councils will increase by 40% or about $12,000 for core services.

Strategic Implications:

Council establish a Working Group comprising of three representatives from each Shire being the:

- MWRC Delegate;
- Shire Presidents;
  (If the MWRC Delegate & Shires President are the same person then the MWRC Proxy Delegate be a second Shire representative)
- Shire CEO’s; and
- MWRC CEO

to develop an alternative structure for the MWRC, which will consider (yet not be limited to) the following areas:

a) Potential for voluntary boundary adjustments to the existing member Shires and possibly to local governments immediately adjacent to the MWRC area, to ensure the "Catchment of Common Interest" for the Regional Council is correct or improved upon;

b) The governance and administration structure be reviewed to determine if the existing structure is suitable and sustainable;

c) Amendments (or re-write) of the Establishment Agreement to include:
   - Service Delivery Units being locked in as core operational functions of the MWRC; and
   - Any other amendments as considered necessary by the Working Group to strengthen the MWRC;

d) Approaches are made to neighbouring local governments to seek interest in participating in the review process.

e) Revise/ revisit the MWRC Strategic Plan and Mission Statement.
Participation in regional cooperative ventures is one of the key strategies in Council’s strategic plan, and has involved formation of the MWRC, the Yarra Yarra Catchment Regional Council and North East Farming Futures.

Consultation:
There has been extensive discussion over the last few weeks with and between member Councils. Mr Battilana’s resignation is not unexpected in light of the decisions taken by Coorow and Carnamah.

Comment:
The Regional Council model is very much at the crossroads. The President of the MWRC has called a meeting of the working party on Thursday 14th August in Mullewa.
Notwithstanding the current situation the regional model (now example) remains a key recommendation of the SSS plan. Morawa and Perenjori in particular have demonstrated a strong commitment to the concept and, if we are to achieve a durable outcome, that commitment will need to be maintained.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council proceed with participation in the Engineering and Technical Services Unit
2. That Council reiterate its support for the Mid West Regional Council model notwithstanding the decisions by Coorow and Carnamah.

Council Resolution:
Moved: Cr Butler Seconded: Cr Hirsch
1. That Council proceed with participation in the Engineering and Technical Services Unit
2. That Council reiterate its support for the Mid West Regional Council model notwithstanding the decisions by Coorow and Carnamah.
CARRIED: 5/0

Moved: Cr Hirsch Seconded: Cr Bensdorp
That Council write a letter of appreciation and acknowledgment to the MWRC CEO Mr Battilana.
CARRIED: 5/0
Executive Summary:
In response to a resolution at the WALGA AGM a special forum to discuss the Draft SSS Final Report.

Applicants Submission:
The forum will be held at the City of Stirling on Monday 15 September 2008. While Council can send as many participants as it chooses, it must also nominate two voting delegates should a formal vote be required.

Background:
The AGM resolved by a one vote margin to request a special forum to discuss the final report of the SSS.

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:
Travel and accommodation costs.

Strategic Implications:
It is a widely held view that regardless of the outcome of the coming State Election that the winning party will mandate structural reform in Local Government.

Consultation:
Nil

Voting Requirements:
Simple Majority

Officers Recommendation:
That Elected Members indicate their interest in attending
That Council nominates two voting delegates.
Council Resolution:
Moved: Cr Bensdorp    Seconded: Cr Hirsch
That Elected Members indicate their interest in attending (Cr West, Cr Baxter, Proxy Cr Bensdorp)
That Council nominates two voting delegates. (Cr West & Baxter)
CARRIED: 5/0
It is our ambition to provide a genuinely open and inclusive discussion environment at the Special Forum, and to this end a professional facilitator will be on hand to moderate the discussion and ensure all issues are appropriately considered. All delegates will be encouraged to contribute to the discussion, and only in the event of the need to move to a formal vote on any issue will participation be restricted to voting delegates.

The outcomes of the Special Forum will be considered at a Special State Council meeting following the Special Forum, to determine the final report.

State Council has also resolved that member Local Governments be requested to advise of the recommendations and/or issues that they specifically wish to discuss at the Special Forum to facilitate the agenda for the day.

The amended final report and appropriate supporting documentation will be distributed to all local Governments in the next few days.

In the interim, Local Governments are asked to:

- Determine their representation for the Special Forum (recognizing that only two delegates from each Local Government will be assigned voting rights at the Forum).

- Advise the Secretariat of their delegate details via email to Emily Ward (eward@walga.asn.au), including which delegates will carry voting entitlements, by September 8th.

- Advise the Secretariat of the specific issues that they wish to have discussed at the forum, via email to Wayne Scheggia (wscheggia@walga.asn.au), by September 8th.

Your earliest replies would be greatly appreciated.

Many thanks,

Ricky Burges
Chief Executive Officer
8086.3 RECOGNITION OF LAND UNDER ROADS

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: Suzanne Ward (Director Corporate Services – Mid West Regional Council)
RESPONSIBLE OFFICER STAN SCOTT – CEO _______________________
REPORT DATE: 13th August 2008
ATTACHMENTS Nil

Executive Summary:
Australian Accounting Standard (AAS) 27 has been withdrawn with Australian Accounting Standards Board (AASB) Standards to replace the same, which means that Council needs to adopt an accounting policy on the treatment of Land under roads acquired before 30 June 2008.

Applicants Submission:
Australian Accounting Standard (AAS) 27 is about to be withdrawn with Australian Accounting Standards Board (AASB) Standards to replace the same.

Land Under Roads Acquired On or Before 30th June 2008
AASB 1051 – Land under Roads requires an entity to make an election to either recognise for the first time or not to recognise as an asset, land under roads that was acquired before 30th June 2008.

Recent UHY Haines Norton workshops provided a recommendation to officers that Local Authorities make a final election not to recognise land under roads acquired before 30th June 2008. This must be carried out through a resolution of Council between now and 30th June 2009.

Background:
AASB 1051 - Land Under Roads

AASB 1051.8

“An entity may elect to:
- Recognise (including continue to recognise or to recognise for the first time), subject to satisfaction of the asset recognition criteria; or
- Not to recognise (including continue not to recognise or to derecognise).

as an asset, land under roads acquired before the end of the first reporting period ending on or after 31st December 2007 (i.e. 30th June 2008).”

This means that in Western Australia local government can continue to ignore the value of any land under roads acquired prior to 30th June 2008. However in order to do so, Councils must make an election in accordance with AASB 1051.9 below:

AASB 1051.9
“An entity shall make a final election under paragraph 8 effective as at the first day of the next reporting period following the end of the first reporting period on or after 31st December 2007 (i.e. effective as at 1st July 2008).

Any adjustments arising from a final election made effective as at that first day shall be made against the opening balance of accumulated surplus (deficiency) of that next reporting period.”

“This item was presented to the July Council meeting and was laid on the table.

Statutory Environment:

Relevant Australian Accounting Standards:
- AAS 27
- AASB 1051
- AASB 1051.8
- AASB 1051.9
- AASB 1051.10
- AASB 1051.11
- AASB 1051.12
- AASB 116.15
- AASB 116.7
- AASB 116. Aus 15.1

Policy Implications:

Significant Account Policies require amendment as the new Standards become effective after 30th June 2008.

Financial Implications: Nil
Strategic Implications: Nil
Consultation: UHY Haines Norton

Comment:

If Council were to elect to recognise previously unrecognised land it will need to be measured at cost or fair value as at 1st July 2008 and make an adjustment to the opening balance of accumulated surplus as at 1st July 2008.

Land Under Roads Acquired Post 30th June 2008

Any land acquired subsequent to 30th June 2008 requires measurement at cost once it qualifies for recognition. Assets qualify for recognition if:-

a) it is probable future economic benefits associated with the item will flow to the entity; and

b) the cost of the item can be measured reliably

In situations where the land is acquired at no cost, or for nominal cost, the cost is its fair value at date of acquisition. In practice, land under roads acquired post 30th June 2008 will most likely qualify under these criteria and need to be recognised. A new asset classification titled Land under Roads will need to be maintained in the general ledger and the asset register.

Voting Requirements: Simple Majority

Officers Recommendation:

That, In accordance with AASB 1051 – Land under Roads - the Shire of Perenjori elects to continue not to recognize land under roads acquired on or before 30th June 2008.
Council Resolution:
Moved: Cr Butler  Seconded: Cr Bensdorp
That, In accordance with AASB 1051 – Land under Roads -the Shire of Perenjori elects to continue not to recognize land under roads acquired on or before 30\textsuperscript{th} June 2008.
CARRIED: 5/0

8086.4  STATE UNDERGROUND POWER PROGRAMME

APPLICANT: CITY OF BAYSWATER
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: DOMENICA CURTIN – DEPUTY CEO
RESPONSIBLE OFFICER STAN SCOTT – CEO
REPORT DATE: 13\textsuperscript{TH} AUGUST 2008
ATTACHMENTS NIL

Applicants Submission:
The City of Bayswater strongly believes that the responsibility of the existing overhead network and future underground power is that of the State Government.
Under current methodology used as part of SUPP, Local Governments are required to fund 50\% of the program.

The City of Bayswater resolved the following at their recent meeting:

- “That the Major write to all existing local politicians and all future candidates for State seats within the City of Bayswater requesting their support for underground power for free to the City of Bayswater residents and that they be given 10 working days to reply or the City will consider that they are not in support of the City’s position on this matter.

- The Major write to the Hon Minister for Energy, the Treasurer and the Premier seeking their commitment to supplying underground power for free to the residents of the City of Bayswater as an election pledge for the upcoming State Election.

- The Mayor write to all Councils seeking their support in lobbying the State Government, prior to the next State Election, to have the underground power program fully funded by the State Government with possible refunds to councils that have already made contributions to this program.”

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: Nil
Voting Requirements: Simple Majority

Officers Recommendation:
Council support in lobbying the State Government prior to the next State Election to have the Underground Power Programme fully funded by the State Government, with possible refunds to Councils that have already made contributions to the programme.

Council Resolution:
Moved: Cr Butler  Seconded: Cr Reid
Council support in lobbying the State Government prior to the next State Election to have the Underground Power Programme fully funded by the State Government, with possible refunds to Councils that have already made contributions to the programme.
CARRIED: 5/0
Cr Bensdorp declared an Interest in Item 8086.5.

8086.5 DISPOSAL OF LOT 91 PERENJORI – COMMERCIAL DEVELOPMENT

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________
REPORT DATE:
ATTACHMENTS Letter from State Land Services and Map

Executive Summary:
State Land Services has written to the Shire seeking its views on the remaining parcels of unallocated crown land (UCL) in the Perenjori townsite.

Applicants Submission:
The State Land Services correspondence included the following:

Perenjori unallocated Crown land lot 91 is zoned Parks and Recreation under the Shire of Perenjori Town Planning Scheme No 1. Would you please advise if the Shire would support a rezoning of the lot to Commercial.

Please be advised that any release of the lot would be subject to satisfactory completion of a Native Title future act process, this process can take anywhere between 12 – 24 months to complete and may involve the need for a heritage survey to be conducted over the land.

Past dealings with Lot 91 identified that run-off from Fowler Street was being directed onto the land. This may be resolved by a larger truncation at the corner, increasing it from 6 metres to 14 metres. It would be appreciated if you could advise this office if the Shire would accept a wider truncation of 14 metres.

Background:
The State Land Services visited included discussion of the potential for the development of additional commercial land in the Perenjori CBD, including the railway reserve.

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.

The land would require Native Title clearance which could take up to 2 years.

Policy Implications:
The land is presently zoned parks and gardens.

Financial Implications:
The Shire would be able to seek first option to purchase the lot.

**Strategic Implications:**
The Shire’s Town Planner will be attending the forum session today, and the strategic planning implications could be discussed at that meeting.

**Consultation:** Nil

**Comment:**
There is extensive public open space on the opposite side of Fowler Street, and the Skate Park is also very nearby. There would be no significant loss of amenity for the townsit, and it would create the potential for additional commercial development. The site in question is over 2500 square metres, and even after truncation would still be a reasonable block for commercial development.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
1. That Council supports the rezoning of Lot 91 from Parks and Recreation to Commercial
2. That Council supports the increased truncation to accommodate run off from Fowler Street
3. That Council would like to be given the first option to purchase Lot 91 if it becomes available.

**Council Resolution:**

Moved: Cr Reid   Seconded: Cr Baxter

That this item will be laid on the table until special meeting held on 28th August 2008, due to lack of quorum.

CARRIED: 5/0
Executive Summary:
Peter Kuhne Real Estate has offered its services to market residential and industrial land recently developed or acquired by the Shire.

Applicants Submission:
Peter Kuhne Real Estate has offered its services to market residential and industrial land recently developed or acquired by the Shire. A copy of the letter has NOT been attached. If Council decides to seek proposals from agents Peter Kuhne should not be disadvantaged by having details of its proposal published.

Background:
Council has acquired 7 industrial lots and subdivided 21 residential lots.

Statutory Environment:
Local Government Act 1995 S3.58 only allows disposal of property by public tender or auction, with limited exceptions. One exception is as part of a major trading undertaking which would provide exemption for the residential subdivision. Tender or auction would still be required for the industrial land unless one of the exceptions apply. Section 3.58 is set out below:

3.58. Disposing of property

(1) In this section —
    “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;
    “property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —
    (a) the highest bidder at public auction; or
    (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
    (a) it gives local public notice of the proposed disposition —
        (i) describing the property concerned;
        (ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

(a) a disposition of land under section 29 or 29B of the Public Works Act 1902;

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications: Nil

Financial Implications:

Council has taken a loan to develop the residential land and any return from sales will be used to retire debt in the first instance.

Strategic Implications:

The Shire has made the land available to attract new residents and new investment in the town.

Consultation: Nil

Comment:

Residential properties can be marketed directly as our intentions have already been mapped out in the Business Plan for the subdivision, but there is no such exemption for the industrial lots.

Generally the Shire markets excess property through a public tender process as is required by the Act. A public auction would be expensive and would need to be repeated, but would allow us to engage an estate agent to assist with marketing the properties.

One alternative approach would be to conduct a series of rolling tenders. This could involve for example:

- A monthly state-wide advertisement inviting tenders for available industrial land including a target price taking account of the valuation;

- A closing date of the 10th day of the following month.
Tender proposals would be in the form of a standard Offer and Acceptance which would also include any standard conditions required by Council.

Council would consider tender proposals at each Council meeting.

This would also allow Council to appoint an agent (or agents) to help market the properties if it chose.

The downside is that buyers would have to wait between one week and 5 weeks for a response to an offer.

A second alternative would be to advertise under the provisions of s3.58(3) that:

- we intend to sell the industrial lots (using an estate agent if so decided)
- the proposed asking price and
- the valuations.

I have sought advice from the Department to confirm that this approach would comply with the requirements of the Act. That confirmation has now been received.

A starting point for all properties would be to obtain valuations.

Council also needs to consider what conditions it applies to the sale, and for the residential land that buyers are aware of the development conditions that apply under our Local Planning Policy for the John Street Estate.

It may be appropriate to include a development condition to the effect that purchasers must build within 2 years of settlement or the land reverts to the Shire at the original purchase price. This would discourage speculators purchasing the land without any intention of building.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That Council obtain valuations on new residential and industrial lots.

That when valuations are received that Council advertises its intentions to sell land by private treaty using a Real Estate Agent

That Council applies a two year building requirement on both residential and industrial lots.

That Councils advertises for submissions from Real Estate Agents to market both the residential and industrial lots.

**Council Resolution:**

Moved: Cr Baxter Seconded: Cr Butler

That Council obtain valuations on new residential and industrial lots.

That when valuations are received that Council advertises its intentions to sell land by private treaty using a Real Estate Agent

That Council applies a two year building requirement on both residential and industrial lots.

That Councils advertises for submissions from Real Estate Agents to market both the residential and industrial lots.

CARRIED: 5/0
Executive Summary:
Council is invited to submit a nomination from the Community for Australian of the Year.

Background:
The Australian of the Year award recognises outstanding Australians who have made a difference at a local, state or national level.

They can be either, Australian of the Year, Young Australian of the Year, Senior Australian of the Year or Local Hero.

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: Nil

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council determine whether a nominee for Australian of the Year is required.

To be advertised in the Bush Telegraph
8086.8 VACATION AND SCHOOL SWIMMING TEACHERS

APPLICANT: MRS T TRELOAR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 11 August 2008
ATTACHMENTS NIL

Executive Summary:
Mrs Treloar from Mingenew has secured an Austswim course to be held in Three Springs in early November 2008 with a minimum of 10 participants required. To assist attract people to participate in the course and obtain their qualifications Mrs Treloar is requesting shires in the Midwest Region provide payment of half of the course fee for any resident. This will help build a pool of qualified swimming instructors that can be called upon to help teach our children.

Applicants Submission:
Background:
Mrs Treloar from Mingenew has been running swimming programmes for vac swim and school swimming lessons for the past 12 years. It is becoming increasingly difficult to attract people to become teachers in the Midwest Regions. In Perenjori, for the last couple of seasons, teachers from Geraldton have been sought to enable lessons to go ahead.

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:
A small cash contribution of $145 per local applicant

Strategic Implications:
The training of local swimming instructors will help ensure programs will continue to be run locally.

Consultation: Nil

Voting Requirements: Simple Majority

Officers Recommendation:
- That Council advertise locally the availability of an Austswim course at Three Springs
- That Council encourage local participants by providing $145 contribution per local applicant
Council Resolution:
Moved: Cr Bensdorp   Seconded: Cr Hirsch

- That Council advertise locally the availability of an Austswim course at Three Springs
- That Council encourage local participants by providing $145 contribution per local applicant

CARRIED: 5/0

8086.9   OFFICE CLOSURE – CHRISTMAS/NEW YEAR PERIOD

APPLICANT: SHIRE OF PERENJORI
FILE:
DISCLOSURE OF INTEREST: 0
AUTHOR: DOMENICA CURTIN – DEPUTY CEO
RESPONSIBLE OFFICER DOMENICA CURTIN – DEPUTY CEO
REPORT DATE: 12th SEPTEMBER 2008
ATTACHMENTS NIL

Applicants Submission:
It is proposed that the Admin office is closed from Wednesday 24th December and reopen on Monday 5th January 2009.

The Public Holidays are Thursday 25th and Friday 26th December 2007, Thursday 1st January Friday 2nd January 2008. (The 2nd January is a designated Local Government Public Holiday) Staff are entitled to the 2nd January public holiday and can take it on the day it falls or during the year.

During the Budget Adoption Council Meeting the following was resolved in relation to the 5% discount period:

“That the 5% discount period be given on all current rates paid following the 10% discount period up until 9th January 2009

This provides ample time for rate payers to pay their rates.

Background:
This will be the 3rd year that the Administration office has been closed over the Christmas/New Year period. Sufficient notice is given to the public and no negative feedback has been received.

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:
The closure will allow for Admin staff to have a decent break over Christmas and New Year and allow the taking of leave during this period. The closure will be again well advertised.

Voting Requirement Simple Majority

Officers Recommendation:
That the Shire of Perenjori Administration Offices be closed on between Wednesday 24th December and Friday 2nd January 2009.

Council Resolution:
Moved: Cr Bensdorp Seconded: Cr Butler
That the Shire of Perenjori Administration Offices be closed on between Wednesday 24th December and Friday 2nd January 2009.
CARRIED: 5/0
8087 OTHER BUSINESS

8087.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

Environmental Protection Authority – Publication of Environmental Protection Authority
WALGA – Local Government News. Issue No.26.08
WALGA – Local Government News. Issue No.27.08
WALGA – Local Government News. Issue No.28.08
WALGA – Local Government News. Issue No.29.08
WALGA - Infopages
Department of Health – Poisons Permit No 2611
Ericsson – Notification of proposed Upgrade of a Telecommunications Facility
Multicultural Western Australia Newsletter – July 2008
Department of Communities – A Demographic profile
Australian Government – Housing affordability Fund, consultation paper
WA Government Gazette – 4 July 2008 No.118
WA Government Gazette – 4 July 2008 No.119
Department of Local Gov and Regional Development – Young Indigenous Scholarship Fund
NAB Agribusiness Awards for Excellence 2008
Shire of Yalgoo – Yalgoo Local Planning Scheme No 2
Department of Culture and Arts – Cultural Signposts
LGMA Update – From the desk of the CEO
World Health Organization – Checklist of Essential features of Age-Friendly Cities
Executive Summary:
Westnet Rail has requested Council’s views on the establishment of a temporary ballast stockpile in Perenjori.

Applicants Submission:
Bob Stawarz from Westnet Rail wrote in the following terms:

*Perenjori to Morawa reballasting- Ballast stockpile site*

Further to our discussion yesterday, there is a requirement for the above project to have a stockpile of metal ballast at Perenjori to service the needs for the project for the first 15-20km towards Morawa later this year.

An ideal location is the open hard stand area immediately adjacent to the main line and loop opposite the station building.

Can you please advise any objections to utilisation of this site considering the following additional information:-

- Anticipated timing for the operation:- approximately 2 months duration from November –December.
- Day time operation for loading of trains probably 2 times per day
- Approximate quantity of metal ballast in stockpile approximately 20-25,000 T
- Dust suppression by watering during loading operations.

Your advice in this respect would be appreciated.
Background:
Reballasting is part of the rail upgrade project to support Mount Gibson’s Extension Hill haematite project.

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 project is one of the infrastructure upgrades needed to support the Mount Gibson Extension Hill haematite project.

Consultation: Nil

Comment:
Potential issues arising out of the stockpile include:

- Dust issues – dust suppression through watering is proposed during train loading
- Timing overlaps with harvest
- Stockpile area is not enclosed so this could be a potential issue for local children

The proposed work is yet more evidence that the project is finally winding up.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council support the placement of the ballast stockpile in Perenjori.

Council Resolution:
Moved: Cr Butler  Seconded: Cr Baxter

That Council support the placement of the ballast stockpile in Perenjori.

CARRIED: 5/0
Cr Baxter declared a proximity interest in the following item

8087.4.2 LATE ITEM - PERENJORI ROADHOUSE – ADDITIONAL MATTERS

APPLICANT: A & J GELLATLY
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 19 AUGUST 2008
ATTACHMENTS LETTERS FROM A & J GELLATLY

Executive Summary:
Some additional requests have been raised by A & J Gellatly in to support the development of the Perenjori Roadhouse.

Applicants Submission:
See full details in attached correspondence. The specific matters not dealt with in the report by the Manager Community Services are set out below:

Would council consider selling the unused transportable ablution block at the rear of the Shire?

As per the attached letter, we asked if the shire could offer us any help with site works or sewage works if that is needed. We do not know what sort of things the shire can help us with but have been told we need to put forward what it is we need, which leaves us a little confused. Basically we need to tidy the rear of the block up which would be loads of gravel and grading, after the recent rain the front between the shop and the road also needs repairs. If the approval is given for the portable accommodation unit and the ablution block, depending on health regulations, we may need more septic tanks and assistance with that would be required.

Perhaps if council could advise us of any other means of support they can offer, this would be greatly appreciated.

Background:
The CEO met with the proponents following the initial letter and advised that for assistance beyond a general expression of support Council would need to consider a specific request which has now been set out in a separate letter.

The intention had been to deal with all issues in a single item, but some issues were not fully addressed in the Health Building and Planning Agenda Item

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:
Any offer of in kind support would need to be recognised in expenditure reports.

Strategic Implications:
Council’s strategy includes the encouragement of new businesses within the town. Council also has the challenge of maintaining consistency so that it can behave consistently with other new businesses that may be established.

Consultation:
Mr & Mrs Gellatly met separately with the CEO, Economic Development Officer and Manager Community Services. The CEO understands that the proponents also wrote in individual elected members.

Comment:
The proposed development involves a considerable investment by the proponents, which development will increase the range of services available to residents and visitors.

Dealing with the specific issues raised:

1. Sale of the ablution donga from the old depot site.

   This building is not presently used. It is in fair condition, but would need substantial work before it could be considered as suitable for incorporation in a new development. More importantly it is a critical part of the old depot site. There have been a number of suggestions on how this site might be used in the future, including as an aquaculture facility, a commercial laundry or a business incubator. Regardless of what purpose it is finally used for, that purpose will require access to toilet facilities.

   Due to the uncertainty surrounding the old depot site the CEO does not support sale of the ablution block.

2. Assistance with works associated with the development of the roadhouse.

   Clearly there are a number of tasks associated with the roadhouse development for which Shire services could be used. This particularly includes utilisation of Shire plant and supply of materials such as gravel, sand of blue metal.

   To support the development Council could offer to undertake particular tasks, offer miscellaneous services for a capped value or offer a general discount on shire services during the development.

   Should Council wish to provide practical support in this way the CEO would prefer that this took the form of in kind works to a capped value. This way the proponents could select the elements of the project for which this would provide the best value.

Voting Requirements: Absolute Majority

Officers Recommendation:
That Council NOT sell the ablution block at the old Shire Depot
That Council offer in kind support in the form of private works to a maximum value of $2,500.
Council Resolution:
Moved: Cr Bensdorp    Seconded: Cr Butler
That this item will be laid on the table until special meeting held on 28th August 2008, due to lack of quorum.
CARRIED: 5/0

8087.5 MATTERS BEHIND CLOSED DOORS

Moved: Cr J A Bensdorp    Seconded: Cr G K Reid
That Council move into Committee to discuss the Mount Gibson Agreements.
CARRIED: 5/0

8087.5.1 LATE ITEM – CONFIDENTIAL - MOUNT GIBSON VARIOUS AGREEMENTS

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _______________________
RESPONSIBLE OFFICER STAN SCOTT – CEO _______________________
REPORT DATE: 20 August 2008
ATTACHMENTS Nil

Moved: Cr G K Reid    Seconded: Cr L C Butler
That Council move out of committee.
CARRIED 6/0

8087.6 DATE OF NEXT MEETING / MEETINGS

Next meeting of Council will be held on Thursday 18th September 2008.

8087.7 CLOSURE

There being no further business the meeting was declared closed at 4.20pm

I certify that this copy of the Minutes is a true and correct record of the meeting held 21st August 2008.

Signed: _______________________
Presiding Elected Member
Date: _______________________

21st August 2008