Shire of Perenjori

AGENDA

Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 19th November 2009 to commence at 5.30PM.

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9111 PRELIMINARIES

9111.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
The Chairman opened the meeting at 5.57pm
John Kelly from Sinosteel, was welcomed and announced as a visitor

9111.2 OPENING PRAYER
Cr King led Council in the opening prayer.

9111.3 DISCLAIMER READING
Nil

9111.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present
Cr C R King
Cr L C Butler
Cr R A Benton
Cr R P Desmond
Cr G K Reid
Cr J H Hirsch
Cr J A Bensdorp
Cr J R Cunningham

DCEO Rose Jones
MCS Garry Agnew
EDO Phil Cleaver

Minutes Leah Leopold

Apologies
CEO Stan Scott
WS Ken Markham

9111.5 PUBLIC QUESTION TIME
Nil

9111.6 PETITIONS / DEPUTATIONS / PRESENTATIONS
Mr John Kelly from Sinosteel updated the Council on the progress of the Koolanooka - Blue Hills project.

9111.7 NOTATIONS OF INTEREST
Financial Interest – Local Government Act s 5.60A
Proximity Interest – Local Government Act s 5.60B
Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.
Cr Cunningham declared an interest affecting impartiality in item 9114.4
Cr Desmond declared a financial interest in items 9114.2, 9114.3 and 9114.4

9111.8 APPLICATIONS FOR LEAVE OF ABSENCE

9111.9 CONFIRMATION OF MINUTES
Minutes of Ordinary meeting of Council held 15th October 2009 are attached.

Moved: Cr J A Bensdorp    Seconded: Cr R A Benton
That the minutes of the Ordinary meeting of Council held on the 15th October 2009 be accepted as a true and correct record.

CARRIED: 8/0

Minutes of Special meeting of Council held 22nd October 2009 are attached.

Moved: Cr L C Butler    Seconded: Cr Butler
That the minutes of the Special meeting of Council held on the 22nd October 2009 be accepted as a true and correct record with the amendment in Item SP7102.1 Election of Deputy President read ‘Cr Laurie Butler was duly declared Deputy President of the Shire of Perenjori’.

CARRIED: 8/0

9111.10 ANOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION
Nil

9111.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
Nil

9112 ECONOMIC DEVELOPMENT REPORT

EDO updated council on the construction of the Flat Pack Housing, which is to commence next week. The fish farm shed is starting to be built next week with the fish farm to be up and running by March 2010.
Moved: Cr J A Bendsorp  Seconded: Cr J H Hirsch
Suspension of Standing Orders.
CARRIED:  8/0

Council adjourned at 6.25pm

Council resumed at 7.04pm

Moved: Cr J R Cunningham  Seconded: Cr R A Benton
Commence of standing orders.
CARRIED:  8/0
9113 FINANCE

9113.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY

APPLICANT: DEPUTY CEO
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: LEAH LEOPOLD – SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER: ROSE JONES - DCEO
REPORT DATE: 12TH NOVEMBER 2009
ATTACHMENTS: OCTOBER 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 July 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 October 2009 including report on variances be accepted as presented.

2. Finance Report
That the Finance Report for the period ended 31st October 2009 be accepted as presented.
3. Acquisition of Assets
That the Acquisition of Assets Report for the period ended 31st October 2009 with a balance of $1,357,359.00 as presented be received.

4. Reserves Report
That the Reserves Report for the period ended 31st October 2009 with a balance of $1,747,209 as presented be received.

5. Net Current Assets
That the Net Current Assets report for the period ended 31st October 2009 as presented be received.

6. Bank Reconciliation’s
That the balances of the Municipal Fund of $714,646.92 and the Trust Fund of $41,995.72 as at 31st October 2009 as presented be received.

7. Sundry Creditors Report
That the Sundry Creditors Report for the period ended 31st October 2009 with a balance of $67,303.29 as presented be received.

8. Sundry Debtors Report
That the Sundry Debtors Report for the period ended 31st October 2009 with a balance of $59,712.71 as presented be received.

9. Accounts for Payment
That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 17251 to 17297 and EFT Numbers 1144 to 1220 for $1,200,046.77 and the Trust Account consisting of Cheque Number 768 and EFT Number 1216 and 1221 for $13,883.46 for the period ended 31st October 2009 as presented be accepted.

10. Rates Outstanding
That the Rates Outstanding Report for the period ended 31st October 2009 with an outstanding balance of $411,489.00.

Council Resolution
Moved: Cr L C Butler    Seconded: Cr R P Desmond
That Items 1-10 relating to the Financial Activity Reports for the period ended 31st October 2009 be accepted as presented.

CARRIED: 8/0
HEALTH BUILDING & PLANNING

9114.1 APPLICATION FOR PLANNING APPROVAL - SUBDIVISION

APPLICANT: BRIAN THOMAS BAXTER
FILE: A14802/A3
DISCLOSURE OF INTEREST: NIL
AUTHOR: GARRY AGNEW DDS
RESPONSIBLE OFFICER GARRY AGNEW DDS
REPORT DATE: 9 NOVEMBER 2009
ATTACHMENTS 9114.1a, 1b

Executive Summary:
Council is asked to consider and determine an application for approval to subdivide “Rural” zoned land.

Comment:
Mr. Brian Baxter seeks Council support for his application to the Western Australian Planning Commission for the consolidation of 9 existing “Rural” lots into 4 “Rural” Lots and 1 “Homestead” Lot.

Mr. Baxter has provided a covering letter detailing his proposal, the content of which is as follows.

To: CEO

I am writing to seek Council approval of the creation of a Homestead Block on Vic Location 9850 in the northwest corner. The area is 6.3ha. Baxter Rd frontage is 120 metres while depth is 525 metres. Power water & phone are already on the block.

Also I wish to consolidate my property from 9 different locations into 4 plus the Homestead location; maps are attached – see Attachment 9114.1a & 1b.

The house on the proposed location is 1082 construction brick veneer house with a colour bond roof, 4 bedrooms & one bathroom.

Yours sincerely

Brian Baxter

SHIRE OF PERENJORI TOWN PLANNING SCHEME NO.1

TABLE 1

A single house is permitted development on “Rural” zoned land.
PART V - DEVELOPMENT REQUIREMENTS

Clause 5.6 - Rural/Pastoral Development

In considering applications for planning consent, subdivision or rezoning within the Rural or Pastoral Zones, the Council shall have regard to:

a) The need to ensure that the continuation of rural land use is protected, encouraging where appropriate, the retention and expansion of agriculture activities, and supporting proposals which promote the retention of the predominant lot sizes in the locality;

b) The need to preserve the rural character and rural appearance of the land within these Zones;

c) The need to protect, preserve and enhance any natural underdeveloped land areas throughout the Zones by requiring as condition on any planning consent issued, the planting of vegetation which will assist in the balancing of the greenhouse effect, provision for shade, prevention of erosion, reduction in salinity, or the provision of habitat for fauna; and

d) The Department of Planning policy DC3.4 “Rural Land Use Planning Policy”.

The Western Australian Planning Commission Policy 3.4 Subdivision of Rural Land states:

4.9 Homestead lots

Homestead Lots may be created to enable an existing house on a farm to continue to be occupied provided that:

(a) the land is in the Wheatbelt agriculture policy area (refer to appendix 3);
(b) the population in the locality is declining or relatively static;
(c) the homestead lot has an area between 1 and 4ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources;
(d) there is an adequate water supply for domestic, land management and fire management purposes;
(e) the homestead lot fronts a constructed public road;
(f) the homestead lot contains an existing house; and
(g) a homestead lot has not been excised from the farm in the past.

Council is aware that it is proceeding with the process of reviewing its Town Planning Scheme No.1 and has adopted a draft Town Planning Scheme No.2, Local Planning Strategy and Local Planning Policies.

One of those proposed Local Planning Policies refers to “Subdivision for Homestead Lots” and that impending Local Policy states –

Council Policy

The Council is keen to allow the continued use of homestead dwellings by supporting the excision of the homestead on a land area of between 4 and 10 hectares. The Council may support an alternative size under special circumstances.

Where the farm has more than one lot or location, the Council may request that the creation of the homestead lot be created by a boundary adjustment rather than the creation of a new lot.
Where the farm consists of only a single lot or location the policies relating to each of the services (detailed in this policy) shall apply.

The Council will not support the creation of more than one homestead lot from an original farming location or lot.

Considering the aforementioned Council may accede to the request.

Statutory Environment:

Shire of Perenjori Town Planning Scheme No. 1
Western Australian Planning Commission Policy DC 3.4

Policy Implications:

Draft Shire of Perenjori Town Planning Scheme No. 2 Local Planning Policy No. 2 ‘Subdivision for Homestead Lots.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Officers Recommendation:

Mr. Brian Baxter’s application to the Western Australian Planning Commission for the consolidation of 9 “Rural” lots on Baxter and Bob King Roads into 4 lots plus the excision of a Homestead Lot out of Lot 9850 is supported.

Council Resolution

Moved: Cr L C Butler  Seconded: Cr R P Desmond

Mr. Brian Baxter’s application to the Western Australian Planning Commission for the consolidation of 9 “Rural” lots on Baxter and Bob King Roads into 4 lots plus the excision of a Homestead Lot out of Lot 9850 is supported.  CARRIED: 8/0
Executive Summary:
Council is asked for direction on whether it expects Karara Mining Limited to obtain prior Planning Consent for the development of its main accommodation camp at its Karara Mining Tenement.

Comment:

PLANNING APPROVAL

It is the Manager Community Services non-legal view that prior Planning Consent is required by Karara Mining Limited for the development of its main accommodation camp at its Karara Mining Tenement.

That view is consequent to interpretation of the following, specifically that; “mining operations” is defined under the Mining Act 1978 to mean, inter-alia, the actual physical/mechanical methods of working, removing and/or treatment of the soil or rock that contains mineral. It does not refer to residential development.

Section 120 of the Mining Act 1978 provides exemption for the requirement to obtain local government planning approval for “mining operations” only – it also does not refer to staff/employee accommodation camps/facilities.

The Mining Act 1978 states:

Terms Used

mine, as a noun, means any place in, on or under which mining operations are carried on;
mine, as a verb, includes any manner or method of mining operations;
mining operations means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted or refined or dealt with for the purpose of obtaining any mineral there-from whether it has been previously disturbed or not and includes —

(a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral;
(b) operations by means of which salt or other evaporites may be harvested;
(c) operations by means of which mineral is recovered from the sea or a natural water supply; and
(d) the doing of all lawful acts incident or conducive to any such operation or purposes;

Section 120. Planning schemes to be considered but not to derogate from this Act

(1) In considering any application for the grant of a mining tenement the Minister, warden or mining registrar, as the case requires, shall take into account the provisions of any planning scheme in force under the Planning and Development Act 2005 affecting the use of the land concerned, but the provisions of any such scheme shall not operate to prohibit or affect the granting of a mining tenement or the carrying out of any mining operations authorised by this Act.

(2) Without affecting subsection (1), where —

(a) An application has been made for a mining lease or a general purpose lease; and
(b) the local government or the Western Australian Planning Commission has, in writing, informed the Minister and the Minister for the time being administering the Planning and Development Act 2005, that the mining lease or general purpose lease would, if granted, authorise the carrying on of mining operations contrary to the provisions of a planning scheme referred to in subsection (1),

the Minister shall not dispose of the application until he has first consulted the Minister for the time being administering the Planning and Development Act 2005 and obtained his recommendation thereon.

[Section 120 amended by No. 58 of 1994 s. 47; No. 14 of 1996 s. 4; No. 24 of 2000 s. 26(2); No. 38 of 2005 s. 15.]

Section 85 Rights of holder of mining lease

(1) Subject to this Act and to any conditions to which the mining lease is subject, a mining lease authorises the lessee thereof and his agents and employees on his behalf to —

(a) work and mine the land in respect of which the lease was granted for any minerals;
(b) take and remove from the land any minerals and dispose of them;
(c) take and divert subject to the Rights in Water and Irrigation Act 1914, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or stream situating in or flowing through such land or from any excavation previously made and used for mining purposes, and subject to that Act to sink a well or bore on such land and take water there from and to use the water so taken for his domestic purposes and for any purpose in connection with mining for minerals on the land; and
(d) do all acts and things that are necessary to effectually carry out mining operations in, on or under the land.

(2) Subject to this Act and to any conditions to which the mining lease is subject, the lessee of a mining lease —
Shire of Perenjori

Ordinary Meeting

MINUTES 19th NOVEMBER 2009

(a) is entitled to use, occupy, and enjoy the land in respect of which the mining lease was granted for mining purposes; and
(b) owns all minerals lawfully mined from the land under the mining lease.

Council is informed that Karara Mining Limited has a different opinion to that of the MCS. Karara Mining Limited believe that under the definition of mining operations (d) accommodation facilities are incidental to its mining operations therefore are also exempt from making prior application to Council for planning consent.

Karara Mining Limited advised it would supply legal advice supporting its view – that advice has not been received.

Council is informed that the Shire of East Pilbara has had similar concerns and has sought legal opinions on the matter and we have been able to acquire copies of those legal opinions.

In February 2006 McLeods Barristers & Solicitors advised the Shire of East Pilbara that a Court may regard residential development on a mining tenement as incidental to the mining operations but they believed that to be only likely and would not put the matter any higher - see Attachment 9114.2a paragraph 8.

Further legal advice was obtained by the Shire of East Pilbara dated the 6 June 2008 which stated that the application of Section 120 of the Mining Act 1978 in particular circumstances will remain a matter of uncertainty until clarification is obtained from either legislative amendment of the Mining Act 1978 or a relevant judicial decision – see Attachment 9114.2b.

Another legal advice from McLeods to the East Pilbara Shire dated the 20 June 2008 suggests that there may be scope for the requirement of planning consent in relation to the development’s compliance with applicable standards and requirements, though not as to the permissibility of the use – see Attachment 9114.2c.

Additional advice to the East Pilbara Shire dated 15 July 2008 from the Minister for Energy; Resources; Industry and Enterprise was that the legal position on this matter is, however, inconclusive – see Attachment 9114.2d.

BUILDING LICENCE

Council is informed that Karara Mining Limited has not questioned the requirement for a Building Licence for the main camp on its Mining Tenement – see Attachments 9114.2e & 2f. Nevertheless, a Building Licence will only be required for the accommodation facilities as the application of the Building Regulations 1989 does not apply to Class 10 Buildings outside the town sites in the Shire of Perenjori - Schedule 2 Building Regulations 1989.

Conclusion

It is suggested that it would prudent to not forge ahead with the requirement for Planning Consent for the Karara Mining Limited main camp on its Mining Tenement as final resolution will necessitate a determination by the Court – a costly and time consuming exercise without guarantee of success.

Statutory Environment:

Shire of Perenjori Town Planning Scheme No. 1
Mining Act 1978
Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989

Policy Implications:
Nil.

Financial Implications:
Exemption to the requirement for Planning Approval erases the opportunity for Council to receive planning fees in accordance with the Planning Fee Schedule.

Voting Requirements:
Simple Majority

Officers Recommendation:
Due to the current inconclusive legal position and to avoid Council being seen as obstructive Karara Mining Limited is not obligated to make Application for Planning Consent for its proposed Karara Iron Ore Project Accommodation Facility on its Karara Mining Tenement.

Cr Desmond declared a financial interest in item 9114.3, 9114.4 and 9114.5

Moved: Cr J A Bensdorp    Seconded: Cr L C Butler
That Cr Desmond remains in the meeting but not to vote.

CARRIED: 7/0

Council Resolution
Moved: Cr J H Hirsch    Seconded: Cr G K Reid
Due to the current inconclusive legal position and to avoid Council being seen as obstructive Karara Mining Limited is not obligated to make Application for Planning Consent for its proposed Karara Iron Ore Project Accommodation Facility on its Karara Mining Tenement.

CARRIED: 7/0
APPLICATION FOR MISC LICENCE 70/126 - KARARA MINING LTD

APPLICANT: DIRECTOR GENERAL MINES AND PETROLEUM
FILE: ADM0216
DISCLOSURE OF INTEREST: NIL
AUTHOR: GARRY AGNEW DDS
RESPONSIBLE OFFICER: GARRY AGNEW DDS
REPORT DATE: 10 NOVEMBER 2009
ATTACHMENTS: 9114.3a,

Executive Summary:
The Director General Mines and Petroleum seeks Council comment with regard to an application for Miscellaneous Licence from Karara Mining Limited.

Comment:
Correspondence has been received from the Director General Mines and Petroleum seeking Council's comment on an application from Karara Mining Limited for a Miscellaneous Licence – see Attachment 9114.3a.

Purpose: Pipeline, road, power line, communication facility and a site administration facility, pump station and a bore.

Statutory Environment:
Section 23 to 26 Mining Act 1978

Policy Implications:
Nil

Financial Implications:
Nil

Voting Requirements:
Simple Majority

Officers Recommendation:
The issue of Miscellaneous Licence 70/126 is supported; conditional upon:

1. all road crossings in the Shire of Perenjori being restored to their original standard/condition and to the satisfaction of the Shire of Perenjori Manager Works and Services; and
2. Karara Mining Limited preparing a Traffic Management Plan in accordance with AS 1742.3 and that that Traffic Management Plan being forwarded to the Shires Manager Works and Services prior to any work being commenced.

Council Resolution
Moved: Cr L C Butler    Seconded: Cr J H Hirsch
The issue of Miscellaneous Licence 70/126 is supported; conditional upon:

1. all road crossings in the Shire of Perenjori being restored to their original standard/condition and to the satisfaction of the Shire of Perenjori Manager Works and Services; and
2. Karara Mining Limited preparing a Traffic Management Plan in accordance with AS 1742.3 and that that Traffic Management Plan being forwarded to the Shires Manager Works and Services prior to any work being commenced.

CARRIED: 7/0
Executive Summary:
Council consideration is sought in respect to an Application for Planning Consent submitted by Karara Mining Limited for a proposed water pipeline to service its Karara Iron Ore Project.

Comment:
Council is in receipt of an Application for Planning Consent from Karara Mining Limited for a water pipeline and associated infrastructure to service its Karara Mine Tenement see Attachment 9114.4a.

The Application for Planning Consent was supported by a Planning Report (Water Pipeline – Linear Infrastructure Corridor) prepared by Allerding & Associates, Town Planners - see Attachment 9114.4b.

Also supplied was endorsed Planning Consent from the Department of Regional Development and Lands see Attachment 9114.4c, and list of Shire of Perenjori land owners affected by the development see Attachment 9114.4d.

An A3 document Karara Iron Ore Project Proposed Linear Infrastructure Corridor Cadastral Ownership & Type Showing Aerial Photography will be Tabled.

SHIRE OF PERENJORI TOWN PLANNING SCHEME NO. 1

The Shire of Perenjori Town Planning Scheme No. 1 Zoning Table ‘1’ does not show a mining or mining infrastructure as a permitted use class and Clause 3.3.3 states –

“Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone”.

However, Clause 3.3.5 states:

“If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

b) Determine by absolute majority that the proposed use may be consistent with the
objectives and purpose of the zone and therefore follow the advertising procedures of Clause 6.2 in considering an application for planning consent”.

Clause 6.2 Advertising of Applications

6.2.3 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out:-

a) Notice of the proposed development to be served on the owners and occupiers of land within an area determined by Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within 21 days of the service of such notice;

b) Notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within 21 days from the publication thereof;

c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.

With reference to Clause 6.2.3.a) –

Karara Mining Limited has given notice of the proposed development to all land owners affected and has received faxed responses of support - see Attachment 9114.4e.

With reference to Clause 6.2.3.b) –

A notice of the proposed development was advertised in the Midwest Times on the 29 October 2009 and Geraldton Guardian on 26 October 2009 giving till the 10 November 2009 for submission of comments. This period for comment does not satisfy the 21 day requirement stipulated in the Shire of Perenjori Town Planning Scheme No.1 (Clause 6.2.3b). Further, the advertisement format was also not in compliance with Schedule V of the Scheme - see Attachment 9114.4f.

**Note:** Council is informed that the MCS has taken advice on the above this matter. That advice is that as each and every land owner affected by the development was individually notified and has provided endorsed confirmation of no objection Council **MAY** accept the non-compliant comment period in the newspaper advertisements.

With reference to Clause 6.2.3.c) –

Signs were erected in conspicuous places along the proposed corridor - see Attachment 9114.4g.

As all advertising conditions have been met and that no submissions for objection were received it is suggested that Planning Consent be granted.

**Statutory Environment:**

Shire of Perenjori Town Planning Scheme No.1

**Policy Implications:**
Shire of Perenjori  
Ordinary Meeting  
MINUTES  
19th NOVEMBER 2009

Nil

Financial Implications:
Planning fee received - $31,100.00

Voting Requirements:
Absolute Majority

Officers Recommendation:
Planning Consent is granted to Karara Mining Limited for the development of a Water Pipeline and Associated Infrastructure along the corridor within the Shire of Perenjori as shown on the attached pipeline route submitted with the Application for Planning Consent; conditional upon:

1. Karara Mining Limited communicating with the Main Roads Western Australia regarding the Wubin-Mullewa Road crossing;
2. all road crossings in the Shire of Perenjori being restored to their original standard/condition and to the satisfaction of the Shire of Perenjori Manager Works and Services; and
3. Karara Mining Limited preparing a Traffic Management Plan in accordance with AS 1742.3 and that that Traffic Management Plan being forwarded to the Shires Manager Works and Services prior to any work being commenced.

Cr Cunningham declared an interest affecting impartiality in item 9114.4

Moved: Cr L C Butler    Seconded: Cr J H Hirsch
That Cr Cunningham remains in the meeting but not to vote.
CARRIED:  6/0

Council Resolution
Moved: Cr G K Reid    Seconded: Cr J H Hirsch
Planning Consent is granted to Karara Mining Limited for the development of a Water Pipeline and Associated Infrastructure along the corridor within the Shire of Perenjori as shown on the attached pipeline route submitted with the Application for Planning Consent; conditional upon:

1. Karara Mining Limited communicating with the Main Roads Western Australia regarding the Wubin-Mullewa Road crossing;
2. all road crossings in the Shire of Perenjori being restored to their original standard/condition and to the satisfaction of the Shire of Perenjori Manager Works and Services; and
3. Karara Mining Limited preparing a Traffic Management Plan in accordance with AS 1742.3 and that that Traffic Management Plan being forwarded to the Shires Manager Works and Services prior to any work being commenced; and
4. subject to Karara Mining advertising in local papers allowing 21 days for comment from the public.

CARRIED: 6/0
Executive Summary:

Council is asked to consider an application for Planning Consent for the development of a 12 unit accommodation facility at Lot 1 Crn. Russell & Hesford Streets Perenjori (rear of Perenjori Hotel).

Comment:

Council will recall Item 8024 of its February 2008 Minutes.

 Moved: Cr Benton    Seconded: Cr Cunningham

That preliminary conceptual approval is given to Kirk Pohl of the Perenjori Hotel to develop motel units over the vacant portion of lot 1 Russell Street Perenjori.

That formal Planning Consent will only be considered following the submission of a detailed scaled site development plan that addresses all of the following matters -

- building setback distances;
- site building pad levels;
- privacy screening;
- service access points;
- buildings front focus;
- guest/customer car parking area;
- area landscaping;
- external colouring for building cladding and roofing;
- general appearance from the street;
- sewage disposal method and location;
- storage areas; and
- refuse collection point etc;

As well an explanation covering matters such as;

- laundry servicing;
- communal recreation facilities;
- kitchen/cooking facilities, should the occupants not wish to patronise the Hotel.

CARRIED: 8/0
Council is now in receipt of an Application for Planning Consent showing an alternative to the concept presented in February 2008 - see Attachment 9114.4a.

In terms of the Preliminary Conceptual Approval given to the owner of the Perenjori Hotel in February 2008 this new development concept addresses dot points 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12 of Council’s determination.

Dot point 10 of the February 2008 Preliminary Approval is addressed generally however no Building Licence can or will be issued until confirmed approval is granted by the Health Department of WA for a compliant sewage waste treatment and disposal system.

The outstanding matters still to be addressed by the owner/developer are:

- Laundry facilities;
- Dining/ recreation area; and
- Kitchen/cooking facilities.

Pursuant to the Health Local Laws a temporary accommodation facility such as this must be provided with:

- a small kitchen/dining area that contains food storage, cooking facilities, cupboards, eating utensils and a fridge; and
- one laundry unit consisting of at least one 45litre stainless steel trough, a small washing machine and either an electric drying cabinet or not less than 30m of clothes line.

**Statutory Environment:**

Shire of Perenjori Town Planning Scheme No. 1.

*Clause 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.*

Health Local Laws 2001

Health Act 1911 (as amended)

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

Preliminary planning consent is given to Graeme Michael Drafelin of 85 Hazlett Street Kalannie 6468 (on behalf of the Perenjori Hotel) to develop accommodation units over the vacant portion of lot 1 Russell Street Perenjori.
Formal Planning Consent will be granted following the submission of amended plans showing:

1. a small kitchen/dining area that contains food storage, cooking facilities, cupboards, eating utensils and a fridge; and
2. one laundry unit consisting of at least one 45litre stainless steel trough, a small washing machine and either an electric drying cabinet or not less than 30m of clothes line.

Council Resolution
Moved: Cr J H Hirsch                Seconded: Cr J R Cunningham
Preliminary conceptual approval is given to Graeme Michael Draffin of 85 Hazlett Street Kalannie 6468 (on behalf of the Perenjori Hotel) to develop accommodation units over the vacant portion of lot 1 Russell Street Perenjori.

Final Planning Consent will be granted following the submission of amended plans showing:

1. a small kitchen/dining area that contains food storage, cooking facilities, cupboards, eating utensils and a fridge; and
2. one laundry unit consisting of at least one 45litre stainless steel trough, a small washing machine and either an electric drying cabinet or not less than 30m of clothes line.

CARRIED:  8/0

Council Resolution
Moved: Cr L C Butler                Seconded: Cr J R Cunningham
Council recognises that the MCS will ensure that the owner and developer are fully aware that a building licence will not/cannot be issued without them first submitting a detailed scaled plan showing that a compliant sewage treatment and sewage effluent disposal system can also be accommodated on the site.

CARRIED:  8/0

MCS Left the meeting at 7.46pm

9114 PLANT & WORKS
9115 GOVERNANCE

9116.1 END OF YEAR – SHIRE CHRISTMAS PARTY

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: Rose Jones - DCEO
AUTHOR: Rose Jones - DCEO
RESPONSIBLE OFFICER: Rose Jones - DCEO
REPORT DATE: 12 November 2009
ATTACHMENTS Nil

Executive Summary:
It is necessary to determine a date and venue for the annual Shire Christmas party.

Applicants Submission:
Council is requested to consider possible dates and an appropriate venue for a Christmas Party for Councillors and staff.

The Ordinary meeting of Council is to be held on Thursday 17 December 2009.

Background:
In previous years the Christmas party has been arranged to coincide with the December meeting of Council and has been held at the Perenjori Sports Club.

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: Council has budget allocation for Council functions
Voting Requirements: Simple Majority

Officers Recommendation:
Council consider the date and venue for the 2009 Christmas Party.

Council Resolution
Moved: Cr L C Butler Seconded: Cr J R Cunningham
The Shire of Perenjori’s Councillors and staff Christmas party to be held on the 17th December 2009 at 6.00pm
CARRIED: 8/0
9116.2 OFFICE CLOSURE – CHRISTMAS/NEW YEAR PERIOD

APPLICANT: SHIRE OF PERENJORI
FILE:
DISCLOSURE OF INTEREST: 0
AUTHOR: Rose Jones, DCEO
RESPONSIBLE OFFICER DCEO
REPORT DATE: 12th November 2009
ATTACHMENTS NIL

Applicants Submission:
It is proposed that the Shire Administration Office will be closed between Christmas and New Year.


Background:
The Administration office has closed over Christmas / New Year for the last four years. Members of the public have received sufficient notice of the closure with no negative feedback having 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:
In order to provide adequate travelling time for staff wishing to spend Christmas Day with family it is proposed that the Office be closed from 5pm on Wednesday 23rd December and re-open at 8am on Monday 4th January. The closure will again be well advertised to minimise inconvenience to residents.

Voting Requirement Simple Majority

Officers Recommendation:
That the Shire of Perenjori Administration Offices be closed from 5pm on Wednesday 23rd December 2009 until 8am on Monday 4th January 2010.

Council Resolution
Moved: Cr L C Butler Seconded: Cr J R Cunningham
That the Shire of Perenjori Administration Offices be closed from 5pm on Wednesday 23rd December 2009 until 8am on Monday 4th January 2010.
CARRIED: 8/0
Executive Summary:

CBH Operations is looking to introduce a Code of Conduct with its Road Transport contractors where there will be a heightened focus on safety; both within CBH facilities and within the community in which CBH operates.

Applicants Submission:

CBH wrote by email to each agricultural shire in the following terms:

*Please note CBH Operations is looking to introduce a Code of Conduct with our Road Transport contractors where there will be a heightened focus on safety; both within our facilities and within the community in which we operate.*

As you are aware, the Grain rail lines through-out our State are currently being reviewed and analysed by the Strategic Grain Network Review Committee for future re-investment and possible rationalisation of these line sections. Coupled with this review is the deregulation of the export grain market – which in its first year of deregulation has provided numerous challenges through-out the supply chain. The rail line network provides our grower members and industry stakeholders a base load transport capacity that moves the country stored grain into our shipping terminals for the export market. When these rail lines become pressured to accelerate export grain accumulations, there are inherent limitations in how the additional tonnages can be transported over “Core” base-line rail capacities. Despite CBH, ARG and WestNet introducing strategies to maximise daily/weekly tonnage through-puts to our terminals, the rail system has been found wanting in this new context.

Many of these rail line rationalisation proposals and accelerated accumulation strategies involve road transport to either support or supplement the rail transport task and will involve road transport from historical rail serviced storage sites. While CBH will look to utilise and maximise the rail network wherever it can to keep freight rates down whilst meeting clients export demands, we will at times need to involve road transport operations to supplement rail grain flow pathways in order to accelerate accumulation programs through-out the export season.

It is therefore intended that CBH will broadcast our weekly road transport plans to the relevant Shires within the 4 export zones (Geraldton, Kwinana, Albany and Esperance). These notices will detail the programmed loading and destination sites + the hours of operation in which we are scheduling road services. CBH operates sites that are 100% road transport serviced facilities. It is also our intention to place these dedicated road sites within the communicated weekly transport plans. Shires will therefore have the programmed road transport plans sent out Friday afternoons for the following weekly road activities. These plans may and will change given the selected storage sites are subject to variations of quality, insects, fumigation protocols
etc, that could potentially change the loading or destination site(s); however we shall endeavour to communicate changes within the transport plans wherever possible.

All the CBH road transport contractors, who perform an integral function for our industry, have been requested to continue their commitment and support in ensuring safe road transport activities throughout our supply chain. In the aforementioned Code of Conduct, CBH has asked these contractors to wherever possible avoid conflicts with school bus timetables/road routes and abide by the RAV network rules that are applicable to the relevant road network. CBH has compiled a group listing of the Shires we deem would be covered under the 4 export zones; however, these email addresses may not be disseminated to the relevant party(s) who might seek this information and we therefore seek your confirmation that the email address we have sent this notice to is the correct address. Please forward any changes to kady.abbott@cbh.com.au

We thank you in advance for your assistance and support of this safety focussed initiative.

Background:

CBH received a lot of flack from communities for a perceived over use of road to move grain from sites serviced by rail.

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:

Nill

Financial Implications:

Transport of grain by local road impacts on road maintenance costs.

Strategic Implications:

As mining activity increases the logistics challenge of grain on rail also increases.

Consultation:

Cr King (Perenjori) and Cr Chappell (Morawa) are this region’s representatives on the grain freight working group.

Comment:

A commitment by CBH and its contractors to introduce and abide by a Code of Conduct is welcome. I am not sure that agreeing to fulfil the conditions of the restricted access vehicle permits will be seen as a significant commitment. However keeping communities notified in advance of planned movements will be well received.

Unfortunately the CBH communication was somewhat weighed down with jargon, and did not acknowledge some of the significant shortcomings of the logistics chain in the last year, including:

- There seems to be a suggestion that the use of rail transport was for tonnages above the core capability of the rail network. This was clearly not the case. For example all grain from Mullewa was moved by road last harvest;

- The use of onsite storage at Geraldton Port as the receival point for coastal grain limits CBH’s capacity to meet export demand. The inland varieties are carted directly from inland receival point to ship as dictated by customer demand. This mitigates against the use of rail.
Further the communication did not include a draft copy of the code of conduct. It would be reasonable to expect community and grower input to the code of conduct. This is also the kind of consultation you would expect to occur in the off season, not in the middle of harvest.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That Council note the proposed CBH Code of Conduct and strategy for Shire notifications.

**Council Resolution**
Moved: Cr G K Reid  
Seconded: Cr J R Cunningham  
That Council note the proposed CBH Code of Conduct and strategy for Shire notifications.  

**CARRIED:** 8/0
**9116.4 ACQUISITION OF LAND IN PERENJORI TOWNSITE**

**APPLICANT:** SHIRE OF PERENJORI  
**FILE:** 0  
**DISCLOSURE OF INTEREST:** NIL  
**AUTHOR:** STAN SCOTT – CEO  
**RESPONSIBLE OFFICER:** STAN SCOTT – CEO  
**REPORT DATE:** 9 NOVEMBER 2009  
**ATTACHMENTS**  
Dept of Water – Lot 1 on DP 19702  
Dept of Regional Development and Land

**Executive Summary:**
There are a number of parcels of land under the control of State Agencies that are of strategic interest to the Shire.

**Applicants Submission:**
A number of parcels of land have been identified that are of strategic interest to the Shire:

**UCL Adjacent to Industrial Area**
There is a small parcel of land adjacent to the industrial Area that seems to have been overlooked in the development of the industrial estate, and would be ideal for an additional light industrial lot. The CEO contacted the Department to determine the proposed use of this land and the advice from the Department is attached.

As part of that investigation a number of other parcels of land were also identified that may be of interest to the Council. That correspondence is also attached. This item works through these parcels of land one by one.

**Recommendation:** That Council seek freehold title to this small parcel of land.

**Lot 178 North of Light Industrial Area**
Council previously resolved not to purchase this land for industrial purposes as it is quality remnant bushland close to town.

Government of Western Australia
Department of Regional Development and Lands
Lands Division

9 October 2009

Mr Stan Scott
Chief Executive Officer
Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Dear Mr Scott

UNALLOCATED CROWN LAND – PERENJORI LIGHT INDUSTRIAL ESTATE – SHIRE OF PERENJORI

Thank you for your letter dated 22 September 2009. Your request has been recorded and is currently being investigated and allocated to one of our Project Officers.

When investigating your request research may be undertaken into existing land tenures, survey information and land ownership details. We may also be required to obtain clearances and/or comments from other agencies.

The timeframes associated with these processes can sometimes be uncertain, especially when we are awaiting information from sources external to this agency. Once we have gathered all the necessary information, we will be able to provide you with suitable advice on the likelihood of your request proceeding.

While we will attempt to provide our customers with updates at different stages of the investigative process, please feel free to contact me if you wish to discuss the matter further. The reference number to quote is Job No. 093076.

All of our Crown land administration processes are quality assured to ISO 9001 standards.

Yours faithfully

for Steve Burgess
State Lands – Mid West
Lands Division
14 October 2009

Mr Stan Scott
Chief Executive Officer
Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Dear Mr Scott

UNALLOCATED CROWN LAND – PERENJORI LIGHT INDUSTRIAL ESTATE – SHIRE OF PERENJORI

I refer to your letter dated 22 September 2009 regarding the purchase of a parcel of unallocated Crown land (UCL) in the Perenjori Light Industrial Estate.

The purchase price of the parcel will be determined by a valuation from the Valuer General’s Office. Additionally, the parcel of land is shown Diagram 88748 it is not the subject of the plan and will require a separate compiled Deposited Plan.

I have already commenced the referral process for the release of this parcel of land, which will also be subject to Native Title processes.

I understand that the Shire has also recently enquired about Crown land available in Perenjori for release as residential. Accordingly, I have attached a plan showing any UCL within the townsite in orange.

Crown land which the Shire may be interested in acquiring for residential includes:

- Lot 169 Livingstone Street;
- Lot 178 on Deposited Plan 22135 to the North of the Light Industrial Estate;
- Unvested ‘Recreation’ Reserve 32156 Livingstone Street; and
- Various parcels of UCL to the west of the town.

If the Shire are interested in possibly acquiring any of the above land please put in a written request to this office at the address below. For any further information please contact me on 9347 5109

Yours faithfully

Kristian Dawson
for MANAGER – MID WEST
LANDS DIVISION
Lot 169 Livingstone Street
This vacant lot on the corner of Livingstone St and North Road would be suitable for residential use.

Recommendation: That Council seek freehold title on this land

Unvested Recreation Reserve 32156 on Livingstone Street
Presently this is vacant land that has not been developed as a park or public open space. It is presently used by adjacent landowners as overflow for vehicles and trailers and is something of an eyesore. It is of sufficient size that it could be used as duplex lot, or if vested in Council it could be developed as a park.

Presently Perenjori is very well served with public open space. It has a massive recreation reserve housing its array of sporting facilities. Virtually the entire Western side of Fowler Street is open space or parkland, and there is a playground and skate park on the corner of Russel and Smith Streets.

Recommendation: That Council seek freehold title on this land for residential development.
Various Parcels of UCL West of Town

As can be seen from the aerial photograph below these parcels of land have been used for flood mitigation drainage channels, and are covered by remnant vegetation. They are zoned variously as industrial or rural, but are not really suitable for either purpose.

Recommendation: That Council seek for these parcels to be vested as reserves for public purposes.
Lot 1 on DP 19702

While not part of the correspondence from the Department ownership and tenure of this lot also needs to be resolved.

The vacant rural zoned freehold land was understood to belong to the shire, having been part of the catchment for the town dams.

The Minster for Water Supply Sewerage and Drainage was granted freehold title to the Land in 1957. On 29 March 2009 all land owned by the Minster for Water Supply Sewerage and Drainage were transferred to the Water Resources Ministerial Body (Dept of Water) pursuant to the Water Resources Amendment Act 2007.

The Water Reserves that abut the land in question were created in 1924 and vested in the Shire of Perenjori in 1990. At that time the freehold lot formed part of the catchment for the dams. It would appear that since the land was part of the catchment and was used and maintained by the Shire it was assumed that it had been transferred at the same time as the water reserves. Clearly that did not happen.

The CEO has contacted the Department of Water and the Department is prepared to sell the land. A valuation has been requested from Landgate. This is the parcel of land that was to be leased to EMC Solar to establish a Solar PV Power Station.

Background:

The Department for Regional Development and land is trying to resolve land tenure issues in country towns.

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:
Council will need to make budget provision for any land it wishes to acquire.

Strategic Implications:
Land availability is a critical factor in town site development.

Consultation:
EMC Solar has been kept informed on developments in relation to its lease.

Comment:
The CEO recommends the following in relation to the various parcels of land:

<table>
<thead>
<tr>
<th>Details of Land</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>UCL Adjacent to Industrial Area</td>
<td>That Council seek freehold title to this small parcel of land.</td>
</tr>
<tr>
<td>Lot 178 North of Light Industrial Area</td>
<td>Council has already established its position on this lot.</td>
</tr>
<tr>
<td>Lot 169 Livingstone Street</td>
<td>That Council seek freehold title on this land</td>
</tr>
<tr>
<td>Unvested Recreation Reserve 32156 on Livingstone Street</td>
<td>That Council seek freehold title on this land for residential development.</td>
</tr>
<tr>
<td>Various Parcels of UCL West of Town</td>
<td>That Council seek for these parcels to be vested as reserves for public purposes.</td>
</tr>
<tr>
<td>Lot 1 on DP 19702</td>
<td>That Council endorses the purchase of this land from the Department of Water subject to valuation.</td>
</tr>
</tbody>
</table>

With the exception of a small deposit for the Department of Water land the others will have no financial impact this year, and would be the subject of budget deliberations in future years.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council seek freehold title to the UCL adjacent to the industrial area
2. That Council seek freehold title to lot 169 Livingstone St.
3. That Council seek freehold title to unvested reserve 32156 for residential development.
4. That Council seek for the various parcels of UCL to the West of the town site to be vested in the Shire of Perenjori as reserves for public purposes.
5. That Council endorses the purchase of Lot 1 on DP 19702 from the Department of Water, subject to valuation.
Council Resolution

Moved: Cr R P Desmond          Seconded: Cr J H Hirsch

1. That Council seek freehold title to the UCL adjacent to the industrial area
2. That Council seek freehold title to lot 169 Livingstone St.
3. That Council seek freehold title to unvested reserve 32156 for residential development.
4. That Council seek for the various parcels of UCL to the West of the town site to be vested in the Shire of Perenjori as reserves for public purposes.
5. That Council endorses the purchase of Lot 1 on DP 19702 from the Department of Water, subject to valuation.

CARRIED: 8/0

9116.5 PERMISSION TO COLLECT NATIVE SEED

APPLICANT: EMMOTT OCHTMAN ENVIRONMENTAL
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 12 NOVEMBER 2009
ATTACHMENTS

Executive Summary:
The CEO canvassed elected members to obtain permission for Emmott Ochtman to collect native seeds on shire reserves and road verges.

Applicants Submission:
Tim Emmott of Emmott Ochtman Environmental who has been contracted by Aus Carbon to collect native seed for revegetating properties in the north and east of the shire has sought permission to collect native seed on shire reserves and road verges.

Background:
Properties held by Aus Carbon will be revegetated using species native to this area for carbon sequestration.

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:
Council’s policy states:

Permission to collect flora (including fire wood and seed harvesting) from land under control of Council (i.e. road reserves, vested reserves, freehold etc) may only be granted by
resolution of Council, and will be subject to the applicant obtaining the necessary approval from the Department of Environment and Conservation or its successor.

Financial Implications: Nil
Strategic Implications: Nil

Consultation:
Elected members were contacted by email, and when a majority of members indicated their agreement a letter was issues to me Emmott.

Comment:
Under normal circumstances such a request would wait for the next Council meeting to seek Council’s decision. However Mr Emmett was particularly targeting acacias and there is a two week window of opportunity each year to collect seed from these species and that window may have passed by the November Council Meeting. Seed is most prolific on road verges as a result of additional water runoff from roads. Any seed collected is retained within the region for the purpose of revegetation and biodiversity protection.

The CEO recommended by email that permission be granted and a majority of Elected Members agreed. Permission was granted subject to the following conditions:

*Permission is granted for the seed collection on behalf of AusCarbon for establishment of large scale biodiversity plantings for carbon sequestration in the Shires of Perenjori and Morawa.*

Permission is subject to the following conditions:

- That seed collectors have the necessary license from the Department of Environment and Conservation;
- That permission is obtained from landholders for collection on private land.
- That seed is limited to 20% of the seed from any specimen.
- That collectors maintain records of locations where seed is collected so that particular areas are not over utilised.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council endorses the grant of permission for Emmott Ochtman to collect native seeds on shire reserves and road verges.

Council Resolution
Moved: Cr J A Bensdorp Seconded: Cr R A Benton
That Council endorses the grant of permission for Emmott Ochtman to collect native seeds on shire reserves and road verges.
CARRIED: 8/0
Executive Summary:
The MWRC met on 4 November 2009 in Coorow.

Applicants Submission:

Election of Office Bearers
As this was the first meeting held since the Local Government Elections the MWRC elected positions of Chair and Deputy Chair.

- Cr Nino Messina, President, Shire of Mullewa, was re-elected unopposed as Chair
- Cr Michelle Bagley, President, Shire of Mingenew, was elected unopposed as Deputy Chair

Meeting Schedule
Council adopted its meeting schedule for 2010 as follows:

- Meeting held 1st Wednesday of every second month (unless advised otherwise)
  - 3rd February 2010  Shire of Morawa
  - 7th April 2010  Shire of Mullewa
  - 2nd June 2010  Shire of Perenjori
  - 4th August 2010  Shire of Three Springs
  - 6th October 2010  Shire of Mingenew
  - 1st December 2010  Shire of Morawa

The starting time for the final meeting for 2009 on 2 December in Mingenew has been changed to 4 pm as the meeting will be followed by a Christmas function.

Future of the MWRC
The Shires of Coorow and Carnamah have given notice of their intention to withdraw from the MWRC effective June 30 2009. All of the remaining Councils have indicated their intention to participate in structural reform. It will be necessary to make decisions on the future of the MWRC. Council resolved as follows:
That the CEO be authorised to investigate and submit a grant application for funding to carry out a feasibility study on the options available for the Mid West Regional Council following structural reform of the current member councils.

The feasibility study to commence after the announcement of the Minister’s decision on structural reform has been made in early 2010.

**Main Roads Integrated Service Agreement**

The MWRC considered urgent business in relation to the Main Roads Integrated Service Agreement. We are seeking a meeting with the Minister for Transport, tentatively booked for 25 November 2009. Below is part of the text to the correspondence requesting the meeting, which gives a potted version of developments.

*The Mid West Regional Council has been working for approximately 12 months towards participation in an Integrated Service Delivery framework for road maintenance and rehabilitation activities on the Main Roads network.*

*The object of the project was to develop a business case for an integrated road maintenance and construction service delivery model that would develop the capacity and capability of Local Government to:*

- Maximise their road construction and maintenance funds;
- Most efficiently deliver road construction and maintenance projects;
- Maximise the use of their plant and equipment;
- Facilitate a benchmark for local road construction / maintenance and road safety;
- Improve Local Government asset management arrangements for transport and road infrastructure;
- Attract and retain staff and develop and maintain road construction, maintenance and asset management in the regions; and
- Provide the opportunity for Local Government to competitively engage with Main Roads Future Integrated Services Delivery strategy.

A considerable sum of money and effort has been expended utilising a consultant engineer to assist with developing a business case for the project and also time and travel invested by the MWRC and member council CEO’s in attending numerous meetings both in Perth and in the region.

*Draft business cases/proposals were submitted to Main Roads WA staff over the last 6 months who directed us to reword and rework the proposal. Prior to us submitting the final proposal we were advised that we would need to have the approval of the Mid West Regional Manager of Main Roads. At this point of negotiations one of the reasons given for refusing to negotiate further is that Main Roads has some real concerns with pending amalgamation and the ability for council’s to deliver services in the disrupted working environment. They are concerned that they do not know who they will be dealing with in the future or if there will be capacity within the newly formed council’s to deliver services.*

*We are now in the situation where on one hand the Mid West Regional Council member councils are embracing State Government’s request for structural reform while being penalised on the other hand by another State Government Department for embracing this reform.*

**Background:**

*Nil*

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

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications:
The Main Roads ISA is of significant strategic importance.

Consultation: Nil

Comment: Nil

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council notes the outcomes of the MWRC meeting, and endorses the approach to the Minister for Transport

Council Resolution
Moved: Cr J R Cunningham  Seconded: Cr R P Desmond

1. That Council notes the outcomes of the MWRC meeting, and endorses the approach to the Minister for Transport

CARRIED: 8/0
Executive Summary:
John Kelly, Development Manager for Sinosteel Midwest will make a short presentation.

Applicants Submission:
Sinosteel Midwest has written to Council offering to set up a community trust in the amount of $40,000 per year over the life of the project.

Background:
Council considered the Sinosteel proposal at its October meeting and opted to defer its decision until after the proponent’s presentation.

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 community trust would be distributed by a committee to community projects.

Strategic Implications:
Council has been working to promote the development of the mining industry in this region.

Consultation: Nil

Comment:
Sinosteel is also making an offer to the Shire of Mingenew which is impacted by traffic movements and extending its agreements with the Shire of Morawa.

The community trust is designed to offset community impacts. In Perenjori’s case the main impact will be more vehicle movements to and from the camp and mine sites. The transport of the iron ore does not directly impact on Perenjori. As the responsible Local Government Perenjori’s submissions would have been significant in Sinosteel gaining environmental approval.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council consider a presentation by John Kelly from Sinosteel Midwest
2. That Council determine whether to accept the community trust proposal.

Council Resolution
Moved: Cr G K Reid    Seconded: Cr J A Bensdorp
That the CEO be direct to negotiate.

CARRIED: 8/0
8 October 2009

Stan Scott
CEO
Perenjori Shire
PO Box 22
Perenjori WA 6620

Dear Stan,

Community Trust Proposal – Perenjori

Sinosteel Midwest (SMC) would like to propose the establishment of a Community Trust in Perenjori.

SMC proposes that a community trust be established and in force for the duration of mining in Perenjori Shire. The fund would commence operation from the start of mining in the Perenjori Shire, and would be payable in advance for each year of part thereof. Our offer is to establish a fund to which SMC will contribute $40,000 per year to be used for worthwhile community purposes. This fund would operate with a board comprising community representatives and SMC to oversee the distribution of funds, and would have some guidelines.

I would ask that you take this offer to the next Council meeting on 15 October 2009 in order to have a resolution accepting our offer.

SMC gratefully acknowledges the strong submission made by you to the Office of the Appeals Convenor. We believe that all appeals contributed to the Ministers decision to allow mining at Mungada East, subject to fair conditions.

As discussed, I would welcome the opportunity to make a presentation to the November Council meeting to update all councillors on the status of the Koolanooka/Blue Hills DSO Project.

Please contact John Kelly in the first instance if you have any questions or concerns about our offer.

Yours Sincerely

[Signature]

Giulio Casello
Chief Operating Officer
Sinosteel Midwest Corporation Limited
Executive Summary:
Mark Pridham from the Department of Agriculture Liquid Assets Program has been invited to address the February 2010 meeting of Council.

Applicants Submission:
Mark Pridham had been booked to attend this month’s Council Meeting. That presentation has been deferred to the February Meeting because:

- The report has been substantially revised to reflect feedback from the Shire and the new draft would not have been available for sufficient time prior to the meeting;
- Following Council’s feedback on the original draft an alternative location for the drainage sump has been identified and this will be in the revised report;
- The presentation with questions and discussion would take about 45 minutes, and there will be more time available at the February Meeting;
- There will be sufficient time even after the February meeting to consider the budget implications for 2010/11 and beyond.

Background:
Council considered the first draft report in September 2009 and Resolved as follows:

That representatives from the Department of Agriculture be invited to attend the next council meeting to discuss the Stormwater management proposal.

Mark Pridham was not available in October, and the presentation in November was deferred for the reasons set out above.

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 Department of Agriculture and Food can make some financial contribution to implementation (perhaps in the order of $15 to $20,000). This could be applied to the further site and geotechnical investigations.
There are a number of potential funding sources for this work including as a last resort the Royalties for Regions Country Local Government Fund. The CEO is investigating Federal funding for this project.

The additional stormwater will help reduce our reliance on scheme water for parks and gardens with considerable ongoing cost savings.

**Strategic Implications:**
The three main objectives of the plan have significant strategic importance:

1. Reducing salinity risk
2. Reducing flood risk
3. Optimising stormwater harvesting efficiency

**Consultation:**
The plan was developed in consultation with Council.

**Comment:**
The presentation in February will allow sufficient time for consideration of investments as part of 2010/11 budget deliberations.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That Council notes the deferral of consideration of storm water management issues until February 2010.

That the CEO is authorised to seek funding for engineering works subject to Council endorsement of final plans.

**Council Resolution**
Moved: Cr J R Cunningham    Seconded: Cr L C Butler
That Council notes the deferral of consideration of storm water management issues until February 2010.

That the CEO is authorised to seek funding for engineering works subject to Council endorsement of final plans.

CARRIED:  8/0
9117 OTHER BUSINESS

9117.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

9117.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

9117.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

9117.4 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

9117.4.1 APPLICATION TO ERECT RINGLOCK FENCE

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>VAL ATKINSON</th>
</tr>
</thead>
<tbody>
<tr>
<td>FILE:</td>
<td>A434</td>
</tr>
<tr>
<td>DISCLOSURE OF INTEREST:</td>
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</tr>
<tr>
<td>AUTHOR:</td>
<td>GARRY AGNEW DDS</td>
</tr>
<tr>
<td>RESPONSIBLE OFFICER</td>
<td>GARRY AGNEW DDS</td>
</tr>
<tr>
<td>REPORT DATE:</td>
<td>9 NOVEMBER 2009</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
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Executive Summary:
Council is asked to consider an application for approval to erect a 1.2m high ring-lock fence around Lot 71 Richards Street Latham.

Comment:
Correspondence dated the 17 November 2009 has been received from Mrs. Val Atkinson for Council approval to erect a 1.2m high steel post and ring-lock fence around the boundary of Lot 71 Richards Street Latham.

Lot 71 is a “Residential” zoned lot within the town site of Latham and the purpose of the proposed fence is to secure the property and help to protect new plantings of trees.

Statutory Environment:
Shire of Perenjori Fencing Local Laws
Policy Implications:
Nil.

Financial Implications:
Nil.

Voting Requirements:
Simple Majority

Officers Recommendation:

Approval is granted to Mrs. Val Atkinson for the erection of a 1.2m high steel post and ring-lock fence around the boundary of Lot 71 Richards Street Latham.

Council Resolution
Moved: Cr J A Bensdorp    Seconded: Cr R A Benton
Approval is granted to Mrs. Val Atkinson for the erection of a 1.2m high steel post and ring-lock fence around the boundary of Lot 71 Richards Street Latham.
CARRIED:  8/0

9117.5 MATTERS BEHIND CLOSED DOORS
Nil

9117.6 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Meeting of Council is to be held on the 17th December 2009 at 2.00pm.

9117.7 CLOSURE

There being no further business the meeting was closed at 8.21pm

I certify that this copy of the Minutes is a true and correct record of the meeting held 19th November 2009.

Signed: ______________________
Presiding Elected Member
Date:    ______________________