**Shire of Perenjori**  
**MINUTES**  
**Ordinary Council Meeting**  
Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 20th August 2009, commencing at 11.00AM.

**Table of Contents**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>9081</td>
<td>PRELIMINARIES</td>
</tr>
<tr>
<td>9081.1</td>
<td>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</td>
</tr>
<tr>
<td>9081.2</td>
<td>OPENING PRAYER</td>
</tr>
<tr>
<td>9081.3</td>
<td>DISCLAIMER READING</td>
</tr>
<tr>
<td>9081.4</td>
<td>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE</td>
</tr>
<tr>
<td>9081.5</td>
<td>PUBLIC QUESTION TIME</td>
</tr>
<tr>
<td>9081.6</td>
<td>PETITIONS / DEPUTATIONS / PRESENTATIONS</td>
</tr>
<tr>
<td>9081.7</td>
<td>NOTATIONS OF INTEREST</td>
</tr>
<tr>
<td>9081.8</td>
<td>APPLICATIONS FOR LEAVE OF ABSENCE</td>
</tr>
<tr>
<td>9081.9</td>
<td>CONFIRMATION OF MINUTES</td>
</tr>
<tr>
<td>9081.10</td>
<td>ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION</td>
</tr>
<tr>
<td>9081.11</td>
<td>MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS</td>
</tr>
<tr>
<td>9082</td>
<td>ECONOMIC DEVELOPMENT REPORT</td>
</tr>
<tr>
<td>9082.1</td>
<td>AQUACULTURE PROJECT</td>
</tr>
<tr>
<td>9082.2</td>
<td>PYROLYSIS PLANT</td>
</tr>
<tr>
<td>9083</td>
<td>FINANCE</td>
</tr>
<tr>
<td>9083.1</td>
<td>MONTHLY STATEMENT OF FINANCIAL ACTIVITY</td>
</tr>
<tr>
<td>9084</td>
<td>HEALTH BUILDING &amp; PLANNING</td>
</tr>
<tr>
<td>9084.1</td>
<td>APPLICATION FOR DEMOLITION LICENCE – PERENJORI SPORTS CLUB</td>
</tr>
<tr>
<td>9085</td>
<td>PLANT &amp; WORKS</td>
</tr>
<tr>
<td>9086</td>
<td>GOVERNANCE</td>
</tr>
<tr>
<td>9086.1</td>
<td>CEO PERFORMANCE REVIEW</td>
</tr>
<tr>
<td>9086.2</td>
<td>COUNTRY LOCAL GOVERNMENT FUND – REGIONAL GROUPING</td>
</tr>
<tr>
<td>9086.3</td>
<td>AGREEMENT WITH FESA FOR COLLECTION OF ESL LEVY</td>
</tr>
<tr>
<td>9086.4</td>
<td>LOCAL GOVERNMENT REFORM – CONSULTANTS’ REPORT</td>
</tr>
<tr>
<td>9086.5</td>
<td>MIDWEST DEVELOPMENT COMMISSION – BOARD MEETING</td>
</tr>
<tr>
<td>9086.6</td>
<td>REVIEW OF NATIVE VEGETATION CLEARING</td>
</tr>
<tr>
<td>9086.7</td>
<td>BUDGET ADOPTION 2009-10</td>
</tr>
<tr>
<td>9087</td>
<td>OTHER BUSINESS</td>
</tr>
<tr>
<td>9087.1</td>
<td>INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS</td>
</tr>
<tr>
<td>9087.2</td>
<td>MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN</td>
</tr>
<tr>
<td>9087.3</td>
<td>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</td>
</tr>
<tr>
<td>9087.4</td>
<td>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION</td>
</tr>
<tr>
<td>9087.5</td>
<td>MATTERS BEHIND CLOSED DOORS</td>
</tr>
<tr>
<td>9087.6</td>
<td>DATE OF NEXT MEETING / MEETINGS</td>
</tr>
</tbody>
</table>
The Chairman opened the meeting at 11.03am.

Cr Baxter led Council in the opening prayer.

**Present**
- Cr B T Baxter
- Cr C R King
- Cr J A Bensdorp
- Cr R A Benton
- Cr I F West
- Cr G K Reid
- Cr J R Cunningham
- Cr L C Butler

**CEO** Stan Scott
**DCEO** Rose Jones
**MCS** Len Welch
**WS** Ken Markham
**EDO** Phil Cleaver

**Apologies**
- Cr J H Hirsch

**Nil**

**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.**

**NIL**
Minutes of Ordinary meeting of Council held 16th July 2009 are attached.

Moved: Cr West          Seconded: Cr Butler

That the minutes of the Ordinary meeting of Council held on the 16th July 2009 be accepted as a true and correct record.

CARRIED: 8/0

Minutes of Special meeting of Council held 29th July 2009 are attached.

Moved: Cr West          Seconded: Cr Reid

That the minutes of the Ordinary meeting of Council held on the 29th July 2009 be accepted as a true and correct record.

CARRIED: 8/0

9081.10  ANOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Nil

9081.11  MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS

Nil
AQUACULTURE PROJECT

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: PHIL CLEAVER - EDO
RESPONSIBLE OFFICER: PHIL CLEAVER - EDO
REPORT DATE: 11 August 2009
ATTACHMENTS: Letter of Offer due 19/8/09

Executive Summary:
If we cannot finalise a satisfactory project plan for the aquaculture project by the end of August 2009 we will need to decline the grant from the MWDC.

Applicant Submission:
To encourage involvement and support from other stakeholders the project is being promoted as the Perenjori Midwest Inland Aquaculture Facility.

STAKEHOLDERS
There are now a range of stakeholders involved in the project including:

Funding Partners
- Shire of Perenjori
- MWDC (Grant)
- Fish Futures Pty. Limited Gap Funding and Promoters of Systems
- ASP Corporation Pty. Limited. (Discounted supply of tanks etc and ongoing training support)
- Perenjori Progress Inc will consider a proposal to construct the building

Tertiary Institutions
- TAFE WA via Batavia Maritime Institute
- Curtin University
- UWA

Government Agencies
- Dept of Agriculture and Food
- Fish WA
- Murray Darling Catchment (various entities have indicated support and brood stock for Bio security purposes)

Supply chain and logistics
Arcadia Pty Ltd fish breeders and providers (back up stock and supplier, weans stock for grow out and buys back if required) Back up supply of additional species if required due to under production at .40c to 70c a fingerling FIS Live
PROJECT PLAN

We have completed species selection and audit of sustainability and market has been completed. Market research and promises of intent completed for ongoing purchase of output.

We are now at the stage of confirming design of the facility.

Infrastructure

Dimensions of Module 1 (designed that later plug and grow modules are added on proportionate to income) dimensions are 14m x 6.5 m

Exterior SHED: Length 18m, Width 14m, Height 5 M

Shed is designed to be open ended and for possible later multipurpose use (other than fish). This will be important to progress Association if they are to fund the building.

Project Partners

The Perenjori Progress Association will consider a presentation and building plan at its next meeting to determine whether they will make a funding contribution. The EDO has begun obtaining specific quotes and Drawings for presentation to Shire & Progress Association.

Fish Futures are now preparing a formal letter of offer and corporate template showing along with funds in escrow if desired No More than $50,000 GST is being investigated by their accountants along with confirmation that they best structure to obtain R & D benefit.

Brood stock has been cleared by Aqis and other statutory and compliance issues state and federal .That if go ahead is received fish to plate will happen within this 9 month season.

Three local people have committed to doing aquaculture courses and are involved in this project. Funding for such training appears to be available from at least two government avenues.

It is promised by ASP and Fish Futures that a corporate outline and flow chart of why they invest including cash streams and tax effect has been promised by no later than 18 August 2009.

Background:

The aquaculture project has been under consideration in various iterations for over 3 years.

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:

Budget confirmation to be returned to MWDC - if not completed by end of August grant may have to be declined.

Strategic Implications:

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

Consultation:

The EDO maintains contact with a wide range of potential stakeholders, investors or funding organisations.
Comment:
- Adds additional community involvement and new enterprise within the town boundary
- Adds skills and an interesting work opportunity for wives and children of those said to be soon resident involved in the mining and associated industries

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That the EDO completes final costing and business case as above.
2. If Fish Futures cannot supply the data by the promised time CEO to advise MWDC that project will not proceed and EDO to seek to assign or sell stock and licenses.

Council Resolution:
Moved: Cr King Seconded: Cr Cunningham
1. That the EDO completes final costing and business case as above.
2. If Fish Futures cannot supply the data by the promised time CEO to advise MWDC that project will not proceed and EDO to seek to assign or sell stock and licenses.

Carried: 8/0

Council Resolution:
Moved: Cr Baxter Seconded: Cr Cunningham

That, should the Perenjori Progress Association accept the proposal for a joint venture with Fish Futures, Council will support it in its existing form.

Carried: 8/0
Executive Summary:

Pyrolysis Plant for Midwest located Perenjori

Applicant Submission:

Subsequent to earlier reports and vast amount of interaction with EPA Waste Management and other entities at state & federal tiers with interest in this area.

An MOU prepared by the Shire is being translated back into English for its final version to be returned. In essence it now appears no further impediments from EPA as specific issues and several additional questions from EPA and others have been and are in some cases still being dealt with to the satisfaction of CCPT and government.

Supply chains inwards of feed stock have been secured and costing passed on via Austrade to Taipei and Delloites

During the investigations another 22,000 Tonnes of waste PA was secured at an income to the shire of $49.00 a Ton (less cost of processing and inwards transport from Perth< 8%) Income from this waste stream in addition to above is the production and sale of the output Fuel gas and heat (gas & heat may be used in several scenarios beyond the scope of this memo)

Ongoing feedstock in the form of waste tyres has been secured on behalf of CCPT Ranging between 4 & 13 million tyres under 20 inch diameter P/A which now go into land fill. This allows to plant to produce a minimum of 3 million litres of heavy oil a year out of tyres alone.

However, it appears that there are dumps of tyres located that were buried with statutory permission and methodology to facilitate waste recovery in recent years. It appears that many such stocks exist known to government and local government just processing this stockpile alone even without the ongoing commitment would take considerable time.

Again the money, employment, income stays within the district

CCPT advice once the MOU is signed by the Shire their investors will commit to next stage with a view to having the plant located to Australia as early as logistically possible.

In addition other entities are now approaching the EDO for involvement within these trials, including the City of Geraldton Greenough.

However, the experience in dealing with many facets of this task has taken substantial time

Once the MOU is received it would be prudent to thank the many resources who have assisted this task from dealing with State & Fed EPA issues Law both tax and
Import diplomatic issues between the two China. Considerable translation back & forth and checking thereof. Also assisting in answering compliance issues on emissions science and technology patents etc all at no cost to the shire.

The shire would not have been able to secure the MOU without such input from several universities and individual staff and schools

**Background:**

The Pyrolysis project was subject of a substantial presentation to Council some months ago.

**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:**

This has the potential for substantial return to Council.

**Strategic Implications:**

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

**Consultation:**

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

**Comment:**

The Pyrolysis project came as a result of the EDOs trip to Asia last year. This project has significant potential to create an alternative industry and has the advantage of being closely related to the Shire’s core business of waste management.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That Council note the pending MOU (Draft Attached)

**Council Resolution:**

Moved: Cr Reid Seconded: Cr Butler

That Council note the pending MOU (Draft Attached) Carried: 8/0
Memorandum of Understanding (MoU)

This document represents an agreement between

Shire of Perenjori

and

CCPTECH, CCHEM & Dr. Andy Chen
Description of collaborating organisations

The Shire of Perenjori (Perenjori)
The Shire of Perenjori is a local government constituted under the Western Australian Local Government Act 1995

Chen’s Catalyst Pyrolysis Technology (CCPTech)
Dr Andy Chen acting on behalf of the following corporations:
- PanJin Golden Renewable R&D centre Co. (China)
- Golden renewable technology holding Co., LTD (HK)
- Chens Catalyst Energy Regeneration Co., LTD (BVI)
- Speedy China Investments Ltd., (Samoa)
- China Technology University (Renewable Research Centre)

These organisations are referred to collectively as Chen’s Catalyst Pyrolysis Technology (CCPTech)

Recitals

WHEREAS

CCPTech:
- owns proprietary technology that utilises a pyrolysis process to treat waste materials to produce useful products
- is seeking to establish an Australian Company for the purpose of proving and commercialising the patented pyrolysis process.
- will establish a pilot plant to prove the process and subject to the outcomes of the pilot a commercial scale facility valued at up to A$40 million.

AND

Perenjori
- is seeking to diversify the local economy of the Shire;
- has access to inexpensive land;
- has access through agriculture and emerging mining projects to suitable waste streams for the proposed pyrolysis facility;
- has responsibility for waste management in the district;
- has access to local networks and contacts including but not limited to government agencies, tertiary institutions, mining companies and commercial organisations.

THE PARTIES WILL:

Insert file and version information here
Work collaboratively for the establishment of a pilot pyrolysis plant within the district of the Shire of Perenjori and, subject to the outcomes of the pilot, establish a full scale plant.

**The Agreement**

This Memorandum of Understanding is an expression of the mutual intention and desire of the parties to co-operate with each other, and the parties acknowledge that it does not create any legally enforceable rights or obligations, except in respect of confidentiality.

**Undertakings by the parties**

CCPTech will:

- Establish an Australian registered company for the purpose of the project;
- Expedite setting up headquarters within WA;
- Prioritise relationship and contracts for processing urban waste;
- Assist Perenjori and Western Australia to develop technology in renewable energy from coal and timber;
- Assist development of professional people in acquiring skills and qualifications with Pyrolysis technology within Western Australia;
- Share all patents, manuals, operation procedures, safety data sheets and formulae and any thing else reasonably required to ensure safe and effective operation of the plants, and obtain necessary statutory and regulatory approvals;
- Fund the establishment of the pilot facility in the Shire of Perenjori at an expected cost of A$1 million;
- Establish a community benefit fund that distributes a portion of the profits of the enterprise to the Perenjori community.

Perenjori will:

- Based on the information provided by CCPTech help identify sites suitable for the establishment of the pilot plant and commercial scale plant;
- Without compromising its statutory responsibilities in environmental health and land use planning, assist CCPTech to obtain necessary statutory and regulatory approvals;
- Through its networks and contacts help locate feedstock for the plants;
- Help facilitate visas and permits for specialised staff associated with the establishment and operation of the plants;
- Seek government funding, support or incentives towards the costs of the pilot plant;
- Provide in the initial stages access to temporary accommodation and office facilities in Perenjori;

Insert file and version information here
• Promote the expansion of CCPTech technology with Australia and overseas.

Confidentiality
For the purposes of this MOU, “Confidential Information” means information that:

(a) is by its nature confidential;
(b) is designated by the parties as confidential; or
(c) the parties know or ought to know is confidential and includes without limitation the terms of this agreement and all information about the parties, their employees, agents, policies and operations which is made available or which becomes known during the term of this agreement or as a result of executing this agreement;

but does not include information which:

(i) is or becomes public knowledge other than by breach of this agreement; or
(ii) has been independently developed or acquired by either party.

The parties may exchange Confidential Information relevant to proposed Projects. Each party undertakes to treat as confidential all Confidential Information obtained from the other party and undertakes not to divulge any Confidential Information to any person without first obtaining the consent of the other party in writing.

Each Party will take such reasonable steps to provide for the safe custody of any and all Confidential Information in its possession and to prevent unauthorised access thereto or use thereof.

At any time upon the written request of a party, the other party must return any documents which embody Confidential Information and must not keep any copies in any form.

Termination and Amendment
The term of this MOU is a period of one (1) year from the date of execution. The MOU will be automatically renewed for a further period of one (1) year unless one party notifies the other party in writing that they do not wish to renew the MOU at the completion of the annual review of current and future Projects.

This MOU may be terminated by mutual consent of the parties. Either party may terminate this MOU upon one (1) month written notice to the other.

This MOU may only be amended by agreement in writing between the parties but not otherwise.

General
The parties acknowledge that each of them is free to undertake other projects on their own or in conjunction with third persons, and that the parties will co-operate only in circumstances where each of them agrees co-operation is for their benefit

Insert file and version information here
and each is satisfied that the specific provisions covering that co-operation are appropriate.

With the exception of Confidentiality, this MOU is not binding and the parties do not intend that it or any part of it be binding. It serves only as a record of the parties’ separate intentions.

This MOU will be governed by and construed in accordance with the law in force in the State of Western Australia and the Courts of Western Australia will have jurisdiction in respect of all matters arising under the terms of this MOU.

**Executed by the parties:**

**SIGNED** for and on behalf of

THE SHIRE OF PERENJORI

by its authorised Officer

in the presence of:

.......................................................... witness signature

.......................................................... witness print name

**SIGNED** for and on behalf of

Chen’s Catalyst Pyrolysis Technology

by its authorised Officer

in the presence of:

.......................................................... witness signature

.......................................................... witness print name
9083.1 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: 13th AUGUST 2009
ATTACHMENTS: JULY FINANCIAL ACTIVITY REPORTS

Executive Summary:
As required by the Local Government Act and Financial Management Regulations a Monthly Statement of Financial Activity is required to be presented to each monthly meeting. This statement is used with Councils adopted 10% variance or $5000 figure which was adopted by Council at its March meeting. 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 2009 including report on variances be accepted as presented.

2. Finance Report
That the Finance Report for the period ended 31st July 2009 be accepted as presented.
3. **Acquisition of Assets**
   That the Acquisition of Assets Report for the period ended 31st July 2009 with a balance of $62,559.00 as presented be received.

4. **Reserves Report**
   That the Reserves Report for the period ended 31st July 2009 with a balance of $1,936,117.00 as presented be received.

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

6. **Bank Reconciliation’s**
   That the balances of the Municipal Fund of $443,747.98 and the Trust Fund of $40,466.47 as at 31st July 2009 as presented be received.

7. **Sundry Creditors Report**
   That the Sundry Creditors Report for the period ended 31st July 2009 with a balance of $175,500.13 as presented be received.

8. **Sundry Debtors Report**
   That the Sundry Debtors Report for the period ended 31st July 2009 with a balance of $67,464.64 as presented be received.

9. **Accounts for Payment**
   That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 17142 to 17186 and EFT Numbers 952 to 996 for $491,596.82 and the Trust Account consisting of EFT Number 995 for $1,418.05 for the period ended 31st July 2009 as presented be accepted.

10. **Rates Outstanding**
    That the Rates Outstanding Report for the period ended 31st July 2009 with an outstanding balance of $32,205.00.

**Council Resolution**

Moved: Cr West  
Seconded: Cr King

That Items 1-10 relating to the Financial Activity Reports for the period ended 31 July 2009 be accepted as presented.

CARRIED: 8/0
9084 HEALTH BUILDING & PLANNING

9084.1 APPLICATION FOR DEMOLITION LICENCE – PERENJORI SPORTS CLUB

APPLICANT: PERENJORI SPORTS CLUB INC.
FILE:
DISCLOSURE OF INTEREST: NIL
AUTHOR: LEN WELCH - AMCS
RESPONSIBLE OFFICER LEN WELCH - AMCS
REPORT DATE: 13 AUGUST 2009
ATTACHMENTS SKETCHES PROVIDED AT MEETING

Executive Summary:
An application has been received for the demolition of a portion of the Perenjori Sports Club being the storage room and the ladies 'old' change room.

Comment:
The proposed demolition works are at the front of the building and facing the main road. Within Council’s policy manual all building applications for a licence requires to be presented where the proposal faces the main road.

Inspection has been undertaken and there is no asbestos within the demolition area.

A separate building application will be lodged by the builder for restoration, alteration and additional work following demolition.

Statutory Environment:
Nil.

Policy Implications:
Policy No. 169 Delegation to Building Surveyor

Financial Implications:
Nil.

Voting Requirements:
Simple Majority

Officers Recommendation:
The Acting Director Development Services recommends that Council approval be granted to the Perenjori Sports Club Inc. for a demolition licence to demolish the storage room and ladies old toilets.
Council Resolution: Moved: Cr Bensdorp

That Council approval be granted to the Perenjori Sports Club Inc. for a demolition licence to demolish the storage room and ladies old toilets at the Perenjori Sport and Recreation Club.

Carried: 8/0

AUGUST 2009
BRIEFING – HEALTH, BUILDING & PLANNING

1. SUBDIVISION – Lot 60 DOWNER STREET

Council is informed that Alliance Power & Data subcontractors for Western Power have finalised the power distribution for the subdivision of Lot 60.

2. PERENJORI ROADHOUSE – UNDERGROUND DEISEL TANK

Council is informed that the above ground tank that has been deposited at the roadhouse is to be removed and Geraldton Fuel (Caltex) will be proceeding with the installation of the 16,000L underground tank as per their original application and approval.

Mr Ken Stokes Manager – Morawa Depot has advised that the tank may need to be moved slightly to incorporate the delivery pump? He will advise within the next few weeks.

3. TOWN PLANNING SCHEME No. 2

Council is advised that the Western Australian Planning Commission has acknowledged receipt of the Shire’s resolution to prepare a new scheme and notes the extent of the scheme area which will cover the entire Shire of Perenjori, dated 29 July 2009.

Staff will now proceed to comply with regulations 5(1) and 5(2) of the Town Planning Regulations 1967 with regard to notification of the resolution to prepare the new scheme.

Moved: Cr Butler Seconded: Cr Cunningham

That Council seek further clarification on land use and agricultural issues within the Shire

Carried: 8/0
Executive Summary:

Council is required by the Act and the CEO’s Employment Contract to review the CEO’s performance annually. The CEO’s current contract of Employment expires on 29th May 2011.

Applicants Submission:

Performance Review

The default process for the performance review is set out in Section 4 of the Contract (see Extract attached). The CEO and Council can agree to an alternative process, but in the absence of such an agreement the default process is used.

Features of the process are:

- Appointment of a reviewing person to act on behalf of Council. This may be a Councillor, a consultant such as Mike Fitz Gerald, or another person.
- The CEO conducts a self assessment.
- The CEO and the Reviewing Person meet to discuss the review and provide feedback
- The CEO and Reviewing Person prepare a report for Council

Salary Review

Section 6 of the Agreement makes provision for an annual salary review. At the last review in 2008 Council set salary adjustment for 2009 and 2010, so review of salary is not a consideration.

Contract Extension

The Shire and the CEO entered into a new 3 year contract in 2008 which means that the CEO’s contract will expire in May 2011. If the Minister’s Local Government Structural Reform
proposals proceed they will take place prior to the October 2011 Local Government Elections. It would probably be better for the CEO and Council if the CEO’s Contract were extended beyond that period so that Perenjori’s needs are represented during any transition period.

Section 2.2 of the Agreement sets out provision for the extension of the term of the agreement as follows:

In the event that the Local Government and the Officer agree to an extension of the Term, this Agreement shall continue to apply unless varied in writing by the parties and clause 2.1 shall be read as though it refers to the extended term.

The CEO would propose however that the performance bonus remain payable after 3 years service.

Termination of Employment

The CEO’s contract has a number of termination options, but does not include any redundancy provisions. In most circumstances this makes perfect sense as the CEO’s role is statutory, and a CEO only becomes redundant through structural changes such as amalgamation. All permanent employees (not on contract) have a 2 year employment guarantee following amalgamation. This provision does not apply to CEOs.

In light of the possible changes it may be worthwhile considering the inclusion of redundancy provisions in the contract. For example the following provision could be included. 12 months is the maximum payment allowable under the act.

14.4 Redundancy

In the event that the CEO position ceases to exist and the employee is not employed in an equivalent position with the Council or its successor the CEO will be paid the equivalent of 12 months remuneration in addition to any accrued leave entitlements.

Background:

The CEO and Council negotiated a new contract in June 2008. At its may 2009 Ordinary meeting Council resolved to conduct the review at today’s meeting. The Assessment form was circulated with the May Agenda.

Statutory Environment:

Local Government Act 1995 S5.38 – sets out the requirement for an annual performance review. When discussing staff matters Council should meet behind closed doors.

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Consultation:

The nominated Reviewing Person will need to be in a position to gain feedback from Council on their views on the CEO’s performance. This may be accomplished through:

• Written feedback to the reviewing person
• Council going behind closed doors in the absence of the CEO to provide oral feedback
• If Council elects to appoint a consultant, a special meeting may be needed.
Attached to last month’s agenda is a Councillor Assessment Form. In line with Council feedback from the 2007 process there is now provision for Elected Members to rate the individual elements of the performance criteria.

Comment:
The CEO’s self assessment was circulated to Council previously. The process set out in the contract is the default process if no alternative process is agreed between the parties.

The process agreed in 2007 and 2008 worked fairly well with the review conducted behind closed doors by Council, followed by a discussion with the CEO.

Council at its May Ordinary Meeting resolved:
That Council review the CEO’s performance at the June 2009 Ordinary Meeting based on the CEO’s self assessment and the assessments by elected members

Council at its June Ordinary Meeting resolved:
That item 6067.4.4 be laid on the table to the Full council meeting in July

At its July Ordinary Meeting Council Resolved

To be reviewed at the next meeting of council in August

Circulated under separate cover area copies of the review form for Elected Members to complete and the CEO Self Assessment

It may also be appropriate to revisit the contract extension that was proposed at the May Ordinary Meeting. The Local Government landscape has changed in the intervening period meaning that the protection of the contract extension has taken on new currency.

Voting Requirements:

Absolute Majority

Officers Recommendation:

1. That Council review the CEO’s performance at the June 2009 Ordinary Meeting based on the CEO’s self assessment and the assessments by elected members

2. That the current contract be extended in to expire on 29 May 2013

3. That Council agree to the inclusion of a new redundancy clause.

4. That, notwithstanding the contract extension, the performance bonus remain payable in May 2011.

Moved: Cr West     Seconded: Cr Reid
That Council go behind closed doors to discuss the CEO review

Carried: 8/0

Council meeting adjourned for lunch at 12.30pm

Council meeting resumed at 1.25

Council Resolution:

Moved: Cr Bensdorp     Seconded: Cr Benton
That Council resume meeting with doors open

Carried: 8/0
Moved: Cr Bensdorp
Seconded: CR Cunningham

1. That Council review the CEO's performance at the June 2009 Ordinary Meeting based on the CEO's self assessment and the assessments by elected members

2. That the current contract be extended in to expire on 30 June 2012

3. That Council agree to the inclusion of a new redundancy clause.

4. That, notwithstanding the contract extension, the performance bonus remain payable in May 2011.

5. That the CEO prepare an addendum to the contract to reflect to above

Carried: 8/0
Executive Summary:

Under the Royalties for Regions Program each local government was allocated funds. In the second (2009-10) and subsequent years a portion of these funds must be spent through regional groupings of Councils. It is proposed that Perenjori nominate the grouping of four Councils that are the subject of our reform submission.

Applicants Submission:

It is proposed that Perenjori nominate the grouping of four Councils that are the subject of our reform submission. The allocation of funds to particular projects would be made by the project team consisting of the CEO and two elected members from each Council.

The allocations for the four Councils in our regional grouping are as follows:

<table>
<thead>
<tr>
<th></th>
<th>2008/09</th>
<th>2009/10</th>
<th>2010/11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Local</td>
<td>Regional</td>
<td>Local</td>
</tr>
<tr>
<td>Mingenew</td>
<td>$512,174</td>
<td>$0</td>
<td>$332,913</td>
</tr>
<tr>
<td>Morawa</td>
<td>$647,073</td>
<td>$0</td>
<td>$420,597</td>
</tr>
<tr>
<td>Perenjori</td>
<td>$681,709</td>
<td>$0</td>
<td>$443,111</td>
</tr>
<tr>
<td>Three Springs</td>
<td>$564,714</td>
<td>$0</td>
<td>$367,064</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>$2,405,670</td>
<td>$0</td>
<td>$1,563,686</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2011/12</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Local</td>
<td>Regional</td>
</tr>
<tr>
<td>Mingenew</td>
<td>$256,087</td>
<td>$256,087</td>
</tr>
<tr>
<td>Morawa</td>
<td>$323,537</td>
<td>$323,537</td>
</tr>
<tr>
<td>Perenjori</td>
<td>$340,855</td>
<td>$340,855</td>
</tr>
<tr>
<td>Three Springs</td>
<td>$282,357</td>
<td>$282,357</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>$1,202,835</td>
<td>$1,202,835</td>
</tr>
</tbody>
</table>
Perenjori and Morawa have earmarked a $150,000 contribution from the fund to the development of the Wildflower Highway Tourism Trail. There has also been a suggestion from Yarra Yarra that this fund could be used to fund member contributions to the YYCRC.

The fund must be used for regional common use infrastructure. The amounts in the out years may vary from the indicative figures in the tables above.

**Background:**

Under the Royalties for Regions Program each local government was allocated funds. In the second (2009-10) and subsequent years a portion of these funds must be spent through regional groupings of Councils.

**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:**

It is intended that the fund would NOT be allocated back to Councils on the same ratio as it is contributed.

**Strategic Implications:**

The fund provides access to a discretionary funding source for strategic regional projects.

**Consultation:**

The project group met on Wednesday 12th August and agreed to each make a similar proposal to their Councils.

**Comment:**

Our initial intention was to allocate the funds to the MWRC for distribution. It appears that Coorow, Carnamah and Mullewa will not be allocating their funds to the MWRC. The proposed approach helps to strengthen our reform proposal.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That Council nominates the regional grouping of Mingenew, Morawa, Perenjori and Three Springs as the regional grouping for the purposes of allocation of the regional allocation of the Country Local Government Fund.

**Council Resolution:**

Moved: Cr King                        Seconded: Cr West

That Council nominates the regional grouping of Mingenew, Morawa, Perenjori and Three Springs as the regional grouping for the purposes of allocation of the regional allocation of the Country Local Government Fund.

Carried: 8/0

Moved: Cr King                        Seconded: Cr West

That CEO acknowledge the letter from Barrye Thompson and advise that funding will be considered by regional grouping and must meet Royalties for Regions criteria

Carried: 8/0
Our Ref: 790-08

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

Dear Mr Scott

COUNTRY LOCAL GOVERNMENT FUND – YEAR 2 – REGIONAL GROUPINGS AND ALLOCATIONS

As previously announced, thirty five per cent of the Country Local Government Fund (the Fund) in year two will be allocated through regional groups of local governments (Groups) towards funding for regional infrastructure assets.

Attached is advisory information on how these regional groups are expected to operate for the purpose of the Fund. Please note that comments from local governments on year one of the Fund have been noted and are being taken into account when drafting the guidelines for year two. Advice on allocations and associated Fund documents will be forwarded separately, closer to the commencement of year two.

Local governments are invited to nominate by 1 September 2009 which regional grouping of councils they wish to be included with for the purpose of the Fund’s regional allocations.

Local governments are encouraged to contact either the Department of Local Government and Regional Development or Western Australian Local Government Association (WALGA) if requiring assistance or advice regarding Group determinations.

When the regional group nominations of all local governments are known, the Department will advise of the allocations available to each Group.

Should you have any further queries regarding the Fund, please contact Dr Chris Berry on telephone (08) 9217 1500 or (WA country callers only) 1800 620 511 and via email on clgf@dlgrd.wa.gov.au.

Kind Regards

Jennifer Mathews
DIRECTOR GENERAL

8 May 2009
COUNTRY LOCAL GOVERNMENT FUND (CLGF)  
YEAR 2  
REGIONAL GROUPINGS OF COUNCILS  

ADVISORY INFORMATION  

The rationale for the regional allocation is aimed at promoting infrastructure of regional significance as a priority for sustainability of the local governments represented in that Group.

The regional component of CLGF aims to empower regional groupings of local governments, and encourages the formalisation of regional co-operative arrangements.

This element of the Fund has been modelled on the Regional Road Groups, where priority projects are allocated funds by the mutual agreement of members.

**Key Points**  
Eligible projects for Groups are similar to year one, although there will be variations to the Guidelines to encourage and facilitate effective regional co-operation and decision making.

Asset classes remain the same as year one and in accordance with the *Local Government Accounting Manual*. Projects may be assets that are accessible and used by all communities in a region or may be an asset within a specific community which is agreed to have a regional priority.

Projects can work across Council and Group boundaries and projects can include other Groups. Whilst it is encouraged that projects focus on asset creation, projects may also include asset preservation.

In the context of the recently announced local government reform initiative, local governments should consider the implications of structural reform on new infrastructure requirements. Local governments will not be disadvantaged with regard to CLGF allocations should amalgamations occur before the end of year four. Adjustments may be considered where significant boundary changes occur.

Please note that funding guidelines will be produced for Group allocations that will be similar to those that apply to individual local government allocations, but will have additional provisions specific to the regional allocations.

**Regional Groups**  
A regional group for the purpose of CLGF may be an existing regional council, regional organisation of councils (ROCs/VROCs) or other regional body which has local government representation. It can also be an informal arrangement of two or more councils formed for the purpose of prioritising this funding.

The choice of regional group is up to each local government to consider and nominate.
For the purpose of this Fund, Groups may not contain non-local government members. Should nominated Groups contain non-local government members, they must abstain from decisions relating to priorities funded through CLGF. Local governments can only be members of one Group.

Local governments that are not currently a member of any regional group will need to nominate a Group for the purpose of the allocation of these funds. If a local government does not participate in a Group then, subject to special circumstances, that share of the regional allocation will be held over and may be used to augment Departmental local government capacity building initiatives.

Expenditure of funds will be by mutual agreement of the Group. The process for determining priorities is the responsibility of the Group but consideration should be given to means of giving rigour to the decision making process. Groups are encouraged to utilise all available advisory resources, such as WALGA and the Department, when planning for grouping and project decisions.

Special circumstances will be considered for Groups to withhold payments until major projects are ready for commencement. Written advice for such arrangements will need to be forwarded to the Department with the acceptance form. Delayed payments will be subject to terms and conditions determined by the Department and payments will still be made in instalments.

Groups should consider consultation with communities and relevant government departments in regard to any new infrastructure project.

**Reporting and Acquittal**

Where a formal entity exists, such as a constituted regional local government or an incorporated organisation, the funds may be paid to and/or managed through these entities, with the same reporting, acquittal and auditing processes applying as to year one funds.

Informal Groups established for the purpose of this Fund will have regional priorities monies provided direct to nominated local governments. Those local governments that receive funds through this method would manage the relevant projects and would be responsible for the same reporting, acquittal and auditing processes as year one funds.

Appropriate acceptance forms will be completed closer to the commencement of year two outlining the relevant project managers.

Please note that payment of Group allocations are tied to the reporting, acquittal and auditing process of individual local governments as outlined in the 2008-09 guidelines.

**Review**

An assessment of the effectiveness of the regional funding approach will take place after year three and, where necessary, variations will be applied. Considering this, the Department continues to welcome your comments regarding the Fund.
Dear Stan,

The Minister for Regional has advised this Regional Council that direct grants to Regional Councils will only occur on the advice from individual local governments that it supports all or a portion of the Royalties for Regions that is dedicated to regional local government for this and future years. It is the authors belief that all rural and remote local governments share of RfR will be reduced in 2009/10 by approximately 25% for distribution to the regional local governments.

As previously mentioned this distribution will only occur with the support of individual local governments as to where those funds will go within its area of governance.

The Yarra Yarra Catchment Regional Council is a formally constituted regional local government under the terms of the Local Government Act 1995 and as such is financially supported by participating Councils and also in the terms of the criteria of the Royalties for Regions is an organisation that can receive such funds with the agreement of its participating local governments.

The YYCRC seeks your Council support in receiving a portion of those funds for the continuing administrative operations of the regional council, such funds if received would offset completely the current direct contribution required by participating councils.

The YYCRC also meets RfR criteria in that it is dedicated to the maintenance and construction of new infrastructure within the region.

The YYCRC is seeking that your Council give consideration to agreeing to 20% of the regional allocation be directed to the YYCRC. A generic example would be, if your Council’s normal allocation in 2008/09 was $600,000.00 a 25% reduction for 2009/10 would amount to $150,000.00 and a 20% share of that amount would be $30,000.00.

Your Council’s consideration of this as a matter of urgency would be appreciated as the Minister also advised that the Dept of Local Government needed to be advised by the 1st September 2009 of councils individual choices.

Yours sincerely,

BR Thompson
Chief Executive Officer
10th August 2009
Executive Summary:
FESA has submitted a new agreement to formalise the Shire’s collection of FESA Levy for the period 1 July 2009 – 30 June 2011.

Background
Council has previously opted to submit levy collections to FESA using the Option B alternative and had in place an agreement that expired on 30 June 2009. FESA has forwarded a new agreement for a period of two years from 1 July 2009 and it is this agreement that requires endorsement by Council, including the affixation of the Common Seal.

Statutory Environment:
Council Standing Orders 16.1 The Common Seal
Policy Implications: N/A
Financial Implications: N/A
Strategic Implications: N/A
Consultation: N/A

Comment:
Option A requires the Shire to submit all levy collections, including interest, to FESA on a monthly basis in the month following collection. Option B requires that only the levy amount is submitted to FESA in four pre-determined instalments throughout the year. Option B also allows the Shire to retain any interest earnings. While option A is probably preferable on a cash-flow basis option B has been selected because it is administratively less onerous.

Voting Requirements: Simple Majority

Officers Recommendation:
That Council authorise the affixing of the Shire of Perenjori’s Common Seal to the agreement with FESA for the period 1 July 2009 to 30 June 2011 electing to submit levy collections on the basis of Option B.
Council Resolution:
Moved: Cr West  
Seconded: Cr Cunningham

That Council authorise the affixing of the Shire of Perenjori’s Common Seal to the agreement with FESA for the period 1 July 2009 to 30 June 2011 electing to submit levy collections on the basis of Option B.

Carried: 8/0
Shire of Perenjori
Ordinary Meeting
MINUTES
20th AUGUST 2009

Government of Western Australia
Fire & Emergency Services Authority

Our Ref: 5884

MR STAN SCOTT
CHIEF EXECUTIVE OFFICER
SHIRE OF PERENJORI
PO BOX 22
PERENJORI WA 6620

Dear Stan,

Emergency Services Levy Administration – Section 36ZJ ‘Option B’ Agreement

I refer to earlier correspondence between FESA and Council representatives on this matter. Please find attached two copies of the ‘Option B’ Agreement, prepared in accordance with Section 36ZJ of the FESA Act, which I have signed under witness as the duly authorised officer on behalf of the Minister for Police, Emergency Services and Road Safety.

As you have elected, this new Agreement is for a 2 year term, covering the period 1 July 2009 to 30 June 2011, and requires Council to make Emergency Services Levy (ESL) related payments by the twenty-first day of September, December, March and June, in accordance with clause 5(3)(c).

Under the ‘Option B’ arrangement Council continues to be required to lodge:

- an ‘ESL Assessment Profile Return Form’ (Form A) on an annual basis and within 14 days of the issue of Rates/ESL Notices. This declaration will be used to determine ESL payments. Notwithstanding this, please note that FESA reserves the right under Clause 6(b) to adopt its own ESL billing estimate to quantify ESL payment amounts if Council should fail to lodge a Form A by 1 September of each levy year;
- an ‘ESL Billing Adjustment Advice’ (Annexure A) for each levy year by 31 May each levy year, in accordance with Clause 6(c), and
- if necessary, a further ‘ESL Billing Adjustment Advice’ (Annexure A) for a levy year by 31 August in the next levy year, in accordance with Clause 6(d).

Can you please arrange for both copies of the Agreement to be signed under the Council’s Common Seal and then return one copy to FESA.

Thank you for your continuing cooperation.

Yours sincerely,

JO HARRISON-WARD
CHIEF EXECUTIVE OFFICER
12 June 2009

9086.4 LOCAL GOVERNMENT REFORM – CONSULTANTS’ REPORT

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO
RESPONSIBLE OFFICER: STAN SCOTT – CEO
REPORT DATE: 13 August 2009
ATTACHMENTS


2. Meeting Notes from Joint Meeting of the Council Reform Project Teams

Executive Summary:

The Consultants report considers a range of options for Local Government Reform and has recommended that the best option is “Sustainable Amalgamation”

Applicants Submission:

The Consultants made an extensive analysis of reform options and in particular considered 4 options:

- No change – this is the base line case against which reform options were considered;
- Forced amalgamation – this is amalgamation without conditions and assumes that the new Council would take an economic rationalist approach to service delivery. This option would deliver the greatest financial saving but the poorest social sustainability outcome.
- Area Integration Model – this is in effect the parish pump model where each Council remains but with extensive shared services. This delivered the least financial advantage and the highest social sustainability. The model did not deliver sufficient savings to justify the change.
- Sustainable Amalgamation – this model is amalgamation with conditions to protect the identity population and services of each of the towns. It delivers significant financial savings while maintaining social sustainability outcomes.

The consultants have recommended that Councils adopt the sustainable amalgamation option.

Background:

At its June Ordinary Meeting Council endorsed the appointment of Stephen Goode and Brian Dollery to prepare a reform submission on behalf of the Shires of Mingenew, Morawa, Perenjori and Three Springs.

In the last week there have been several significant announcements by the State Government in relation to structural reform:

The Premier has in a number of forums made statement to the effect that:

- Local Governments with populations of less than 1,000 people must look at amalgamation;
- State Government will meet transition costs
- Local Governments that do not participate will wither on the vine.

The Minister for Regional Development Hon Brendon Grylls advised at Local Government Week and this has been reinforced in private conversations that support under the Country Local Government Fund will be directed to those Councils that participate in reform. Those Councils that refuse to participate clearly don’t need the money.
The Minister for Local Government Hon John Castrilli agreed to a WALGA request to extend the submission closing date to 30 September 2009.

**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 regional component of the Country Local Government fund over the next 3 years for the 4 Councils approximates $3.25 Million.

**Strategic Implications:**

It is widely accepted that Local Government Reform is inevitable, and while it may be voluntary in this term of government it is very likely to be compulsory during the next term of government regardless of the flavour of the new government.

The Federal Government has given strong indications that it will direct funding to larger regional local governments.

**Consultation:**

The report authors consulted extensively with CEOs and Council staff as they gathered information to inform the report. They also hosted community meetings in each of the Shires.

The draft report was discussed with elected members who attended a dinner with Mr Goode at Local Government Week. The report was further discussed at a joint meeting of the reform project teams for the affected Shires. Notes from that Meeting are attached.

**Comment:**

At the community meetings hosted by Council the community agreed that we should investigate the reform options. While these was no vote taken there was a clear predisposition for staying as we are.

The consultants report makes a strong argument for reform. Announcements by the State Government make it clear that we will be doing our community a financial disservice if we do not participate in the reform process.

It appears likely that those Councils that participate in reform during this round are likely to attract the most support from the State. Our proposal of combining 4 Councils into one and reducing the number of elected members from 30 to 8 is likely to be very attractive to the government and the Minister.

Council indicated that it would consult the community further when the report was completed. The extension of the deadline by the Minister allows us the opportunity for further community meetings.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

1. That Council notes the State Government announcements that the closing date for submissions has been extended to 30 September 2009, that transition costs will be funded by the State and that access to State Government Grants will be dependent on structural reform
2. The consultant’s report be received
3. That Council notes the recommended model is “Sustainable Amalgamation”
4. That Council will seek input from the community on the reform report with a view to adopting the recommended model at the September Ordinary Meeting of Council.

Council Resolution:
Moved: Cr King  Seconded: Cr Butler
1. That Council notes the State Government announcements that the closing date for submissions has been extended to 30 September 2009, that transition costs will be funded by the State and that access to State Government Grants will be dependent on structural reform
2. The consultant’s report be received
3. That Council notes the recommended model is “Sustainable Amalgamation”
4. That Council will seek input from the community on the reform report with a view to adopting the recommended model at the September Ordinary Meeting of Council.

Carried: 8/0
9086.5 MIDWEST DEVELOPMENT COMMISSION – BOARD MEETING

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO
RESPONSIBLE OFFICER: STAN SCOTT – CEO
REPORT DATE: 11 AUGUST 2009
ATTACHMENTS: Letter from MWDC

Executive Summary:
The Mid West Development Commission holds half of its board meetings outside Geraldton. The October Meeting is planned to be held in Perenjori.

Applicants Submission:
MWDC Board Meetings provide an opportunity for local governments and the community to make presentations directly to the board.

Regional Development Minister Brendon Grylls has announced four new appointments to the board of the Mid West Development Commission. Mr Murray Criddle who will be the new chairperson; Mr Andrew Pitcher, deputy chairperson; Councillor John Sewell and Ms Yvonne Messina.

Background:
The MWDC is the State agency responsible for regional development and advocates for the issues raised by local communities. It also distributes the Royalties for Regions - Regional Grants 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: Nill
Financial Implications: Nill
Strategic Implications: Nill
Consultation: Nill
Comment:
The Meeting is scheduled for Friday 23rd October 2009.

The schedule for the meeting usually includes an informal dinner with local government representatives on the Thursday evening, the board meeting from say 9 am to 1 pm followed by a local tour after lunch.

Voting Requirements:
Simple Majority
Officers Recommendation:
That Council confirm that the chambers are available and willingness to participate in discussion with the MWDC.

Council Resolution:
Moved: Cr West     Seconded: Cr King
That Council confirm that the chambers are available and willingness to participate in discussion with the MWDC.
Carried: 8/0

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

Dear Mr Scott,

MEETING OF MWDC BOARD IN PERENJORI – 23 OCTOBER 2009

The Board of the Mid West Development Commission meets six times per year and is keen to maintain a schedule of meetings and visits to regional communities. Accordingly, this year the Board has met in Mullewa and Murchison and plans to meet in Perenjori in October.

The purpose of my writing to you is to seek the Shire’s support for the Board’s proposed meeting in Perenjori on Friday 23 October and also to invite the Shire to make a brief presentation (20 minutes presentation and 20 minutes for discussion) to the Board on key issues affecting the Shire. All Shire Councillors will be welcome to attend this session as well as join the Commission Board for lunch where no doubt further discussion will take place.

In addition to the Board meeting on Friday, the Board would also like to undertake a ‘tour’ of the town and so better understand the challenges and opportunities confronting the community. I would appreciate it if you and / or the President could take some time to escort us on this event.

Confirmation of the above and further details will be provided as soon as we can but at this stage I would appreciate advice on the use and availability of Council Chambers on 23rd October for the above purpose. Meetings usually run between 8.30am to 2.00pm.

Yours sincerely,

STEVE DOUGLAS
CHIEF EXECUTIVE OFFICER

12 August 2009

cc Mr Brian Baxter, President
9086.6 REVIEW OF NATIVE VEGETATION CLEARING

APPLICANT: WALGA / MWRC
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 11 AUGUST 2009
ATTACHMENTS Nil

Executive Summary:
Suzanne Ward, CEO of the Midwest Regional Council is a member of the WALGA advisory committee. This committee will meet shortly to consider the review recommendations.

Applicants Submission:
The review recommends as follows:

- Development of a Governmental policy statement that accurately reflects the Government’s position at the time the Legislation was enacted
- DEC to review and consolidate current policies and decision making to provide greater consistency and guidance
- Development of a risk based (tiered) assessment system
- Development of defined target timeframes which are publicly reported against
- Develop an MOU between EPA and DEC clarifying roles and responsibilities
- DEC to provide greater transparency of decision making
- Government to provide greater clarity to DEC on the principles and priority of planning policies
- 10 year limit on clearing of re-growth to remain but greater clarity to be provided
- Support be provided for land owners disadvantaged by refusal to clear decisions
- Enhanced monitoring and auditing of land clearing through improved quality, and access to information by all landowners and affected agencies
- Clearing offsets be applied only in specific circumstances as provided by the EPA policy, and not as a general rule
- Potential offset sites to be identified on a strategic basis using improved databases
- Fees be introduced on the appeals process
- Concurrent approvals with Negotiated Planning Solution (eg Bush Forever) Planning approvals
- Clearing related to bush forever sites be in accordance with Management documents
- A three year staff position be established within DEC to liaise with Local Government and assist Local Government in the application of the legislation and processes
Additional recommendations that were considered less significant include:

- Review appropriateness of civil penalties to apply in lieu of criminal penalties in minor cases
- Equalisation of resources between Dept of Minerals and Petroleum and Dept of Environment and Conservation,
- Various regulation amendment requests identified as minor fine tuning (not given detailed consideration in the review)
- State Agreement Acts,
- Response to Victorian Bush Fires and recommendation that general exemptions at all times of year not be granted
- Recommended clearing principles are not to be made binding. (That is other considerations will continue to be considered).

**Background:**

The then Minister for the Environment (Hon David Templeman) established a committee in July 2008 to review the Legislation and Regulations, with a view to recommending improvements to ensure that the Government’s intent with the clearing control legislation is met. The Committee was chaired by Associate Professor Garry Middle of Curtin University of Technology’s Department of Urban and Regional Planning, with the other members being Ms Marion Thompson (an Urban Planner), Dr Hannes Schoombee (a Barrister) and Mr Rob Sippe (Managing Director, PRM Pty Ltd).

Under the direction of the then Minister and with confirmation from the current Minister Hon Donna Faragher the Committee’s consultation was limited to key stakeholders groups, due to the limited timeframe in which the Committee was initially requested to report. Therefore there was no open call for submissions

**Statutory Environment:**

The EP Act and associated Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Regulations) provide a regulatory framework to prevent inappropriate clearing and to minimize and mitigate the impacts of clearing.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Consultation:**

WALGA and Ms Ward are seeking input from Councils.

**Comment:**

The Committee, through stakeholder consultation, was to review the following Terms of Reference:

1. the adequacy of the Legislation to provide the outcomes the Government has sought for native vegetation protection;
2. any amendments to the Legislation, regulations and policies which would improve the effectiveness and efficiency of the regulation of clearing;
3. any additional measures that would enhance the effectiveness of the native vegetation clearing provisions, including their interaction with other planning and decision-making processes and biodiversity conservation programs;

4. any improvements to compliance monitoring systems and processes and overall reporting of outcomes.

However, there were a number of specific changes that were suggested by WALGA and Main Roads WA in particular that were dismissed by the committee despite their direct relevance to the first and second terms of reference. The application of criminal rather than civil penalties to clearing offences remains a matter of significant concern.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council provide the following feedback:

1. That the Minister for Environment and Conservation be encouraged to arrange urgent consideration of the specific legislative and regulatory changes suggested by WALGA and Main Roads Western Australia;

2. That the Minister reject the DEC request to remove the delegation from the Department for Minerals and Petroleum to determine clearing applications for mining projects, and that any staffing inequities be addressed by DEC applying appropriately skilled and qualified staff to the determination of clearing permits;

3. That otherwise the expert panels recommendations be accepted.

Council Resolution:

Moved: Cr King Seconded: Cr Cunningham

That Council provide the following feedback:

1. That the Minister for Environment and Conservation be encouraged to arrange urgent consideration of the specific legislative and regulatory changes suggested by WALGA and Main Roads Western Australia;

2. That the Minister reject the DEC request to remove the delegation from the Department for Minerals and Petroleum to determine clearing applications for mining projects, and that any staffing inequities be addressed by DEC applying appropriately skilled and qualified staff to the determination of clearing permits;

3. That otherwise the expert panels recommendations be accepted.

Carried: 8/0
Executive Summary:
Council is required to adopt its annual budget by 31st August each year.

Background:
A Draft Budget was presented at the July Ordinary Meeting, and a revised budget reflecting suggestions from the Ordinary meeting was presented at a Special Meeting on 29th July 2009.

The latest Draft budget includes the following changes resulting from the budget meeting:

1. Arts & Crafts Building – Add $2000 to allow for replacing 3 Doors
2. Check calculations for Private Works expense/revenue (plant costs adjusted)
3. Increase cost of Ride On Mower
4. The second flat pack house be amended to meet mining company criteria and utilise grant funding from royalties for regions
5. The Perenjori Recreation Club 08/09 Budget for Car Park $21,998 to be included in 09/10 Budget as an allowance for upgrade of $20,000
6. Council to employ a part time CDO to assist with supporting local organisations to source funding opportunities and Grant applications by providing $20,000 in 09/10 Budget

Following discussions with Karara Mining the upgrade to the aerodrome has been included in the revised draft budget. The cost of $1,235,000 is based on the scope of works previously prepared by Aerodrome Management Services and costed by Greenfield Technical Services.

The funds for the Aerodrome have been apportioned as follows:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing allocation</td>
<td>$50,000</td>
</tr>
<tr>
<td>Karara Mining Limited</td>
<td>$850,000</td>
</tr>
<tr>
<td>Mount Gibson Mining Limited</td>
<td>$100,000</td>
</tr>
<tr>
<td>Royalties for Regions (reallocated from flat packed housing)</td>
<td>$235,000</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td><strong>$1,235,000</strong></td>
</tr>
</tbody>
</table>
Statutory Environment:

*Local Government Act 1995* sets out the annual budget requirements as follows:

### 6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of:

- (a) the expenditure by the local government;
- (b) the revenue and income, independent of general rates, of the local government; and
- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate:

- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
- (b) detailed information relating to the rates and service charges which will apply to land within the district including:
  - (i) the amount it is estimated will be yielded by the general rate; and
  - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
- (c) the fees and charges proposed to be imposed by the local government;
- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
- (g) such other matters as are prescribed.

(5) Regulations may provide for:

- (a) the form of the annual budget;
- (b) the contents of the annual budget; and
- (c) the information to be contained in or to accompany the annual budget.

*Local Government (Financial Management) Regulations 1996* sets out the further requirements under the authority of Section 6.2 (5)
Policy Implications: Nil

Comment:
The budget reflects the changes requested by Council at its July Ordinary Meeting and the Special Budget Meeting.

An allocation of $10,000 has been made for Downer St subdivision.

It also includes a significant addition of an aerodrome upgrade. Council applied unsuccessfully for a RADS grant for this project. The re-inclusion is based on a substantial contribution from Karara Mining, but the exact quantum of their contribution has yet to be confirmed. If there remains a shortfall this project would qualify as regional common use infrastructure under the regional component of the Country Local Government Fund.

Voting Requirements: Absolute Majority

Officers Recommendation:

1. RATES

Moved: Cr Seconded: Cr

That Council adopts the following Rate and Rubbish Charges for the Shire of Perenjori for the year ending 30 June 2010.

Gross Rental Value 10.9618 cents in the dollar
Rural Rate – Unimproved Value 1.4550 cents in the dollar
Mining Rate – Unimproved Value 22.2605 cents in the dollar

MINIMUM RATES

Rural – UV $166.95 per assessment
Perenjori Townsite – GRV $166.95 per assessment
Latham Townsite – GRV $100.17 per assessment
Other Townsite – GRV $ 50.09 per assessment
Mining Tenements $278.26 per assessment

RUBBISH CHARGES

Domestic $150.00/bin
Commercial $150.00/bin
Pensioners – Domestic bin $ 75.00/bin
2. PAYMENT OF RATES

Moved: Cr           Seconded: Cr
That Council adopts the following payment dates for the payment of rates.
Option 1 – Payment in full by a single instalment within 35 days from date of issue.
Option 2 – Payment by four equal instalments. The first instalment 35 days from the date of issue of
the rates notice and that instalments 2, 3 and 4 become due not less than 60 days following the
previous instalment.

3. DISCOUNT

Moved: Cr           Seconded: Cr
That a discount of 10% be given on all current rates paid within 35 days from date of issue.
That a discount of 5% be given on all current rates paid between the day following the first due
date and close of business on 8 January 2010.

4. FEES AND CHARGES

Moved: Cr           Seconded: Cr

That the schedule of fees and charges as set out in the budget for the year ended 30 June 2010
be adopted.
Council Resolution:

1. **RATES**

Moved: Cr West    Seconded: Cr Cunningham
That Council adopts the following Rate and Rubbish Charges for the Shire of Perenjori for the year ending 30 June 2010.

Carried: 8/0

- Gross Rental Value: 10.9618 cents in the dollar
- Rural Rate – Unimproved Value: 1.4550 cents in the dollar
- Mining Rate – Unimproved Value: 22.2605 cents in the dollar

**MINIMUM RATES**

- Rural – UV: $166.95 per assessment
- Perenjori Townsite – GRV: $166.95 per assessment
- Latham Townsite – GRV: $100.17 per assessment
- Other Townsite – GRV: $50.09 per assessment
- Mining Tenements: $278.26 per assessment

**RUBBISH CHARGES**

- Domestic: $150.00/bin
- Commercial: $150.00/bin
- Pensioners – Domestic bin: $75.00/bin

2. **PAYMENT OF RATES**

Moved: Cr Benton    Seconded: Cr Reid

That Council adopts the following payment dates for the payment of rates.

Option 1 – Payment in full by a single instalment within 35 days from date of issue.

Option 2 – Payment by four equal instalments. The first instalment 35 days from the date of issue of the rates notice and that instalments 2, 3 and 4 become due not less than 60 days following the previous instalment.

Carried: 8/0
3. **DISCOUNT**

Moved: Cr Reid 
Seconded: Cr Cunningham

That a discount of 10% be given on all current rates paid within 35 days from date of issue.

That a discount of 5% be given on all current rates paid between the day following the first due date and close of business on 8 January 2010.

Carried: 8/0

4. **FEES AND CHARGES**

Moved: Cr Butler 
Seconded: Cr Cunningham

That the schedule of fees and charges as set out in the budget for the year ended 30 June 2010 be adopted.

Carried: 8/0

5. **MEETING FEES**

Moved: Cr Cunningham 
Seconded: Cr West

That fees, expenses and allowances be paid to each Councillor as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>$200</td>
<td>full Council meetings</td>
</tr>
<tr>
<td></td>
<td>$50</td>
<td>Committee meetings</td>
</tr>
<tr>
<td>Councillors</td>
<td>$100</td>
<td>full Council meetings</td>
</tr>
<tr>
<td></td>
<td>$50</td>
<td>Committee meetings</td>
</tr>
<tr>
<td>Travelling 1600cc and under</td>
<td>$0.61</td>
<td>cents per kilometre</td>
</tr>
<tr>
<td>Travelling 1600cc to 2600cc</td>
<td>$0.711</td>
<td>cents per kilometre</td>
</tr>
<tr>
<td>Travelling Over 2600cc</td>
<td>$0.815</td>
<td>cents per kilometre</td>
</tr>
<tr>
<td>Communication Allowance</td>
<td>$400</td>
<td>per annum</td>
</tr>
<tr>
<td>Info Technology Allowance</td>
<td>$100</td>
<td>per annum</td>
</tr>
</tbody>
</table>

Carried: 8/0

6. **ADOPTION OF BUDGET**

Moved: Cr West 
Seconded: Cr Butler

That the Annual Budget for the Shire of Perenjori for the year ending 30 June 2010 comprising of Income Statement, Operating Statement, Statement of Cashflows, Rate Setting statement and associated notes be adopted.

Carried: 8/0
9087 OTHER BUSINESS

9087.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

Department for Planning & Infrastructure – Land Administration Act 1997
Department of Local Government – Letter re: Differential rates
Minister for Environment Youth – Mungada Iron Ore Project
Minister for Regional Development – Royalties for regions Grants Scheme
WALGA – Local Government News.Issue No.27.09
WALGA – Local Government News.Issue No.31.09
WALGA – Infopage
WALGA – Information Bulletin
WALGA – Economic Briefing
Government News Volume 29.Issue 6
WA Local Government Assoc – Planning & Community Development Newsletter
LGMA National – 2010 Year of the Women in Local Government
The Mining Chronicle August 09 Volume 14,No.7
Liebe Group Newsletter July 2009 Volume 12 Issue 4
Strategic Directions 2009 – 2011
Rural Health Matters Newsletter
Australian Government – National Awards for Local Government 2009 winners
Mid West Development Commission – Royalties for Regions – Regional Grants Scheme
Hon Dr K Hames – Visiting the Durack electorate
Main Roads – 2009/2010 Local Government Roads Program
Bush Fires Act Amendments Bush Fire Incident Management - WA

9087.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

9087.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

9087.4 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

9087.5 MATTERS BEHIND CLOSED DOORS

Nil
Date of next Special Meeting of Council will be held on the 3rd of September at 5.30pm.

There being no further business the meeting was closed at 5.35pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held 20th August 2009.

Signed: ______________________

Presiding Elected Member

Date: ______________________