Shire of Perenjori

MINUTES

Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 15th April 2010, commenced at 1.30pm

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10041 PRELIMINARIES

10041.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Ordinary Council Meeting was officially opened at 1.27pm

10041.2 OPENING PRAYER

Cr Chris King led council in the opening prayer

10041.3 DISCLAIMER READING

10041.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:
Cr Chris R King
Cr Laurie C Butler
Cr Graeme K Reid
Cr John A Bensdorp
Cr Jenny H Hirsch
Cr Rodney P Desmond
Cr Cathy M Johnston
Cr John R Cunningham
Cr Robyn A Benton
Stan Scott – Chief Executive Officer
Rose Jones – Deputy Chief Executive Officer
Phil Cleaver – Economic Development Officer
Garry Agnew – Director of Developmental Services
Ken Markham – Works Supervisor
Norm Everett – Plant Mechanic
Kimberley Wheeler – Executive Assistant

10041.5 PUBLIC QUESTION TIME

10041.6 PETITIONS / DEPUTATIONS / PRESENTATIONS
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 CM Johnston noted an interest affecting impartiality in item number 10044.1
Cr CM Johnston noted a financial interest in item 10047.4.2

APPLICATIONS FOR LEAVE OF ABSENCE

Cr CM Johnston applied to the Council President for and was granted a leave of absence for the next Ordinary Council Meeting to be held on 20th May 2010.

CONFIRMATION OF MINUTES

Minutes of Ordinary Council meeting held 18th March 2010 are attached.

Moved: Cr RP Desmond  Seconded: Cr JA Bensdorp
That minutes from Ordinary Council Meeting held on 18th March 2010 are a true and accurate record.
Carried: 9/0

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
Executive Summary:
This report reviews the need for an ongoing dedicated Economic Development function.

Applicants Submission:
The CEO and EDO have reviewed the role and function of the EDO and agreed that:

1. The Economic Development function is no longer the best fit with the needs of the community;
2. The CEO will seek Council to direct these resources to a Community Development function from 1 July 2010; and

In the three months that remain for the Economic Development function the EDO will concentrate on:

- Completion of the first flat packed house and finalise details of the second house;
- Installation of the aquaculture project;
- Working with the proponents of the algae project to encourage its completion;
- Working with the proponents of the three solar power projects to support their ongoing development;
- Document progress and IP arrangements for the chemical mulesing project; and
- Ensure documentation, contact lists and correspondence are collated and recorded for all projects and collaborations, and that contacts are informed of the changed arrangements.

The appointment of a CDO will reduce the need for the CEO to perform this role and should allow the CEO to continue to shepherd outstanding economic development projects.
Background:
The Shire of Perenjori employed a full time Economic Development Officer since August 2006. When the function commenced the development of an iron ore industry was anticipated but there was very little appreciation of how long it would take. Perenjori was in the grips of a drought and there was worse to come. The need to seek opportunities to diversify the local economy was critically important.

In the last few years several things have changed:

- The mining industry is starting to have a significant impact and Perenjori businesses have demonstrated the capacity to adapt to meet those challenges;
- We are no longer in drought, but continued reliance on cropping with high input costs and low returns remains problematic. Mining has emerged as the most common diversification strategy;
- Council has agreed, subject to a satisfactory business case, to amalgamate with neighbouring Councils.

The CEO and EDO have discussed at length the future development needs of the community and have agreed that an economic development position such as we have had in place is no longer the best fit with the present needs of the community.

- A Community Development Officer is a better fit with the needs of the community:
- There is significant grant funding available and a CDO could assist community to groups to be better organised and prepared for seeking funding;
- There will be opportunities for community engagement with the mining industry and we are not adequately prepared for this engagement;
- The Shire of Perenjori could access more funds if there was an officer dedicated to pursuing these opportunities.
- There are emerging needs for community based facilities such as a child care centre and a youth club. These types of facilities will help local families participate in mining jobs and help attract new residents.

Statutory Environment:

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

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications:
The fundamental premise of the EDO activity is diversification of the economic base of Perenjori though complementary activity that will reduce our reliance on agriculture and mining. While this need remains there are other more pressing demands which we need to consider.
Consultation:
The CEO has consulted with the EDO and Shire President. A continuing theme within the community has been a lack of understanding of the EDO role and a demand and expectation of something more closely aligned with the proposed CDO Role.

Comment:
The scope of the Economic Development function has been to:
- Diversify the local economy through attracting new industries or emerging technologies;
- Add value to existing agricultural industry through diversification or downstream processing
- Take advantage of existing intellectual capital within the district
- Encouraged partnerships with external bodies and agencies
- Overcome barriers to growth such as lack of available land or housing;

Within the scope of these activities also:
- Seek funding opportunities to offset the costs and/or widen the scope of economic development activities

The Economic Development role has provided significant advantages to the Shire of Perenjori. While few of the projects have reached fruition the Shire of Perenjori has developed a reputation as visionary and highly adaptive. We have strong working relationships with a range of tertiary institutions, government agencies and commercial entities. It should not come as a great surprise if some of the projects which had their genesis during this time will mature in years to come.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council cease funding a discrete Economic Development function after 30 June 2010
2. That from 1 July 2010 Council redirects the funding presently applied to Economic Development to fund a Community Development Role.

COUNCIL RESOLUTION:
Moved: Cr LC Butler Seconded: Cr JA Bensdorp
1. That Council cease funding a discrete Economic Development function after 30 June 2010
2. That from 1 July 2010 Council redirects the funding presently applied to Economic Development to fund a Community Development Role.
Carried: 9/0
**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:**
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 March 2010 including report on variances be accepted as presented.

2. **Finance Report**
   That the Finance Report for the period ended 31st March 2010 be accepted as presented.
3. **Acquisition of Assets**
   That the Acquisition of Assets Report for the period ended 31st March 2010 with a balance of $3,324,782 as presented be received.

4. **Reserves Report**
   That the Reserves Report for the period ended 31st March 2010 with a balance of $1,270,073 as presented be received.

5. **Net Current Assets**
   That the Net Current Assets report for the period ended 31st March 2010 as presented be received.

6. **Bank Reconciliation’s**
   That the balances of the Municipal Fund of $475,673.01 and the Trust Fund of $44,441.75 as at 31st March 2010 as presented be received.

7. **Sundry Creditors Report**
   That the Sundry Creditors Report for the period ended 31st March 2010 with a balance of $221,694.24 as presented be received.

8. **Sundry Debtors Report**
   That the Sundry Debtors Report for the period ended 31st March 2010 with a balance of $107,506.76 as presented be received.

9. **Accounts for Payment**
   That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 17438 to 17460 and EFT Numbers 1456 to 1519 for $484,380.28 and the Trust Account consisting of Cheque Number 778 to 779 and EFT Numbers 1520 to 1521 for $4,093.28 for the period ended 31st March 2010 as presented be accepted.

10. **Rates Outstanding**
    That the Rates Outstanding Report for the period ended 31st March 2010 with an outstanding balance of $87,334.00.

**COUNCIL RESOLUTION:**

Moved: Cr JH Hirsch    Seconded: Cr RP Desmond
That Items 1-10 relating to the Financial Activity Reports ended 31st March 2010 be accepted.

Carried: 9/0
10044 HEALTH BUILDING & PLANNING

10044.1 INFORMATIONAL ITEMS FOR APRIL 2010

1. PERENJORI AQUATIC CENTRE
Following inspection of the new Perenjori Aquatic Centre by the Health Department of WA in mid March the only outstanding issue was confirmation of water quality.

Pool water samples were obtained for bacteriological analysis by Pathwest on the 22 March 2010. Results from those samples showed the presence of Thermophilic Amoebae in the main pool backwash. After super-chlorination of the water further samples were obtained on the 30 March giving an all clear result for pool water quality.

The Health Department of WA was subsequently informed of these results.

A final inspection of the facility was carried out on the 6 April 2010 by the MCS with minor issues identified for attention post the swimming pool season.

Council is advised that given the circumstances the Perenjori Aquatic Centre Committee resolved that the new Perenjori Aquatic Centre could be open to the public for the final two weeks of the pool season. Consequently it was agreed that the old pool be closed on the 11 April 2010 and the new Aquatic Centre opened on the 13 April 2010.

A newsletter to that affect was distributed to the community.

Recommendation
That the information be noted.

2. KARARA MINING PERMANENT ACCOMMODATION CAMP
The MCS carried out a preliminary inspection of the development progress of the Karara Permanent Accommodation Camp on the 31 March 2010.

The MCS had need to instruct the Manager of the Lochada Camp to cease disposal of that camp’s rubbish at the Perenjori Refuse Site – contravention of a Planning Approval Condition.

Recommendation
That the information be noted
3. AQUACULTURE FACILITY

Council is referred to Item 5091.1 of its December 2009 Ordinary Meeting.

Moved: Cr. Cunningham                           Seconded: Cr. Desmond

1. Conceptual planning consent for the establishment of an aquaculture facility at Lot 159 England Crescent Perenjori is granted;
2. Delegated authority is given to the Manager Community Services for the issuing of Final Planning Consent following the assessment of detailed site plans and a summary of the proposed use/activity to be submitted by the proponent; and
3. Following the issue of Final Planning Consent a building application that embraces the entire development is to be submitted and a Building Licence issued prior to any site preparation or building work being commenced.

Carried: 6/0

The above Council Determination was corresponded to the applicant on the 23 December 2009 together with the following information.

For information the required plans are to include detail on site location, staff/operator toilet facilities and advice on the volume of any waste discharge from the process e.g. waste water.

Once Final Planning Consent is issued an Application for Building Licence can then be submitted.

Should you require further advice do not hesitate to contact me.

Yours faithfully

Garry J. Agnew
DIRECTOR DEVELOPMENT SERVICES
23 December 2009

Council is informed that the MCS has not yet received a formal response from the proponent to enable planning assessment to be carried out.

Recommendation
That the information be noted
4. SHIRE BUILDINGS MANAGEMENT

The annual inspection of all Shire buildings by the Buildings Committee for 2010/11 budget purpose is due in May 2010.

Council is asked for direction on a convenient date (two days) for the Building Committee to carry out its annual inspection of all Shire buildings in terms of maintenance and possible upgrade.

RECOMMENDATION
Submitted for Council direction

1.37 PM Cr CATHY JOHNSTON LEFT THE MEETING

5. AGED PERSONS UNITS - 79A RUSSELL STREET PERENJORI

In August 2006 Mrs. Val Joynson entered into a Lease Agreement with the Shire to occupy Perenjori Aged Persons Unit 2/79 Russell Street.

One of the conditions of that agreement is that the unit shall not be occupied by more than 2 persons.

In January 2009 it was noticed that Mrs. Joynson had her daughter Shelly and young child living with her at the Unit. Mrs. Joynson was advised that Shelly’s living at Unit 2/79 Russell Street was contrary to the conditions of her Lease Agreement therefore Shelly must find other accommodation.

In February 2009 the following letter was received from Doctor Olugbenga Afilaka.
Consequent to receiving the above the following letter was sent in reply.
Dr. Ougleonga Affaka
Mornawa Medical Centre
74 Russell Street
Perenjori WA 6620

Dear Dr. Affaka,

VALENTINA JOYNSON – TENANCY BREACH 2/79 RUSSELL STREET PERENJORI

I refer to your correspondence dated the 10 February 2009 and my correspondence to Mrs. Joyson dated the 26 January 2009.

For your information and record, the construction of the Aged Persons Units at Lot 79 Russell Street was a Joint Venture between Homewest and the Shire of Perenjori under a Registered Contractual Agreement that the property be made available for rent only to persons over the age of 55 years and who have first satisfied Homewest’s low income criteria.

Additionally, Mrs. Joyson signed a formal Lease Agreement with the Shire of Perenjori under which she agreed not to assign, sublet or part with possession of the premise or part thereof and that the unit will not be occupied by more than two persons.

As you know 2/79 Russell Street is a very small two bedroom unit and is over-crowded if more than two persons occupy it. I have been informed that there are now two adults and a child staying with Mr. Joyson at 2/79 Russell Street. Council’s Contractual Agreement with Homewest is therefore being contravened and the Lease Agreement breached.

In your letter you state that Shelley is temporarily staying with Mrs. Joyson and helps with her care, you made no mention of her child and her male partner.

Notwithstanding the occupation criteria I accept your appraisal of Mrs. Joyson’s state of health and need for home care, therefore will not follow through with a formal direction at this time.

Please note that I have received anecdotal advice that the two adults plus child currently staying in the small two bedroom unit with Mrs. Joyson is having a detrimental affect on Mrs. Joyson’s well being.

Yours faithfully

Gerry J. Agnew
MANAGER COMMUNITY SERVICES

18 February 2009
I am now informed that the number of persons currently occupying Aged Persons Unit 2/79 Russell Street is 5 – Mrs. Joyson (who I understand is in the Morawa Hospital for a period of temporary respite), Mrs. Joyson’s daughter Shelly, Shelly’s young child, Shelly’s male partner and now Shelly’s teenage son.

Council is advised that action is to be initiated to have Mrs. Joyson’s daughter Shelly and her family move out of the unit permanently. Should this not occur willingly it will put Mrs. Joyson’s Lease Agreement in jeopardy.

Recommendation
All necessary action required to evict the unauthorised occupants from Aged Persons Unit 2/79 Russell Street Perenjori is supported.

COUNCIL RESOLUTION
Moved: Cr JH Hirsch Seconded: Cr LC Butler
All necessary action required to evict the unauthorised occupants from Aged Persons Unit 2/79 Russell Street Perenjori is supported.
Carried: 7/1

1.45pm Cr Cathy Johnston Returned to the Meeting
1.45pm Garry Agnew and Phil Cleaver Left the Meeting
10045 PLANT & WORKS

10045.1 ROAD MAINTENANCE MARCH 10

APPLICANT: KEN MARKHAM – WORKS SUPERVISOR

FILE: 0

DISCLOSURE OF INTEREST: 0

AUTHOR: KEN MARKHAM – WORKS SUPERVISOR

RESPONSIBLE OFFICER: KEN MARKHAM – WORKS SUPERVISOR

REPORT DATE: 31st March 2010

ATTACHMENTS: MAP

Executive Summary:
Listed are the roads graded for the month of March

Applicants Submission:
Starkeys rd Simpson rd
Keegan rd Rabbit Proof Fence rd
Cannon East rd Taylors rd
Old Perth rd Watson rd
Bunjil Nth East rd Barker rd
Spencer rd Symes rd
Liebe rd Wilder rd
Maya East rd Syson rd
Griffiths rd FARRS rd
Old Well rd Chisholm rd
Coorow Maya rd Martin rd

Background:

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:
As per Council’s Road Maintenance Budget
Strategic Implications:
To maintain roads to a standard

Consultation: Nil
Comment: Nil
Voting Requirements: Nil
Officers Recommendation: Nil
Motion
Moved: Cr JA Bensdorp Seconded: Cr LC Butler
That Plant Mechanic Norm Everett address the council in regards to Item 10045.2
Carried: 9/0

Norm Everett addressed the council regarding Item 10045.2

Motion
Moved: Cr JH Hirsch Seconded: Cr CM Johnston
That the Item 10045.2 Tender 2/2010 Backhoe, be referred to the Plant and Works Committee for further consideration
Lost: 5/4

10045.2 Tenders
APPLICANT: KEN MARKHAM – WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER: KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 31st March 2010
ATTACHMENTS Attachment 10045.2 - Research, Spreadsheets, Tenders

Executive Summary:
Council called tenders for the outright sale of several pieces of plant and two replacement/trade tenders. These included the old side tipper, Low loader, UD Nissan, Mack prime mover, Concrete truck, Ditchwitch, Gang mowers and the backhoe and ride on mower.

Applicants Submission:
Tender 1/2010 ride on mower – Two tenders were received for the trade and replacement of the mower. The mower from Wattleup Tractors is a simple ride on and is not suitable for our requirements and the mower from Waltons has no additional information and does not seem to be to the same standard as the one that was originally quoted for budget purposes. The trade in prices or outright purchase prices are in the range of budget predictions though the L110 was offered up as an option (This mower belongs to the golf club). A suggestion for the two mowers is that the golf club take the Z track and the L110 go to the caravan Park. This option is acceptable to both parties. This will require the purchase of the new mower to be an outright purchase.
Tender 2/2010 Backhoe – Several tenders were received for the replacement of the backhoe. The officers’ preference is for the machine from Westrac and if we kept the attachments we have then we would save $4,423. The changeover price of $133,826 would still leave us $13,826 short of the budget. In the attachments is a small report put together by the mechanic in regards to the other machines offered. There are several issues from the report that raise concern, but some are what you may encounter with any machine. The main issues are the back up/ support resulting in long down times and the problems with the buckets.

Tender 3/2010 Low Loader – Two outright purchase prices were received for the low loader being $22,270 + GST from Allied Plant & $8,000 from Colin Allen. The budget price was $30,000. The acceptance of the higher tender would leave us $7,730 short of our expected price.

Tender 4/2010 Nissan UD – Two tenders were received for the purchase of the Nissan UD. One from Allied Plant for $32,770 + GST and the other from Colin Allen for $25,000. The budget was $40,000. The acceptance of the higher tender would leave us $7,230 short of our expected price.

Tender 5/2010 Concrete truck – Two tenders were received for the purchase of the concrete truck. One from Allied Plant for $7,770 + GST and the other from Colin Allen for $2,500 + GST. The budget figure was $10,000. The acceptance of the higher bidder would leave us $2,230 short of our expected price.

Tender 6/2010 Ditchwith – Four tenders were received for the purchase of the ditchwitch. Dongara Body Builders $850 + GST, Allied Plant $3,270 + GST, Gary Neimes $1,276 + GST and Gravel’s Contracting $1,364 + GST. The budget price was $3,500. The acceptance of the highest bid would leave us $230 short of our expected price.

Tender 7/2010 Gang Mowers – No tenders were received. These were offered up for sale as the golf club has the new fairway mower that Council purchased them. As no tenders were received it is planned to make the mower serviceable and use on the Council’s sports ovals. This would give a far better finish to the lawns. This previously was difficult to undertake as with the golf club using them and trying to use them on the oval created issues with contamination and the fact that the mower would need to be re adjusted and sharpened every time it was used.

Tender 8/2010 Mack Prime Mover – Two tenders were received for the purchase of the Mack truck. Allied Plant $22,770 + GST and Colin Allen $27,000. The budget expectation was for $70,000. Council will remember that we were offered $50,000 as a trade price when we purchased the new UD Nissan.

Tender 9/2010 Side Tipper – One tender was received for the purchase of the side tipper. Colin Allen $7,200. The budget price was $35,000. The acceptance of this bid would leave us $27,800 short of our expectations.
Background:
Several of the pieces of plant were from previous budgets where Council considered the trade prices insufficient. The backhoe and the ride on mower were in the 2009/2010 plant replacement budget.

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

Policy Implications: Nil

Financial Implications:
If all outright purchase tenders were to be accepted, there is a potential for an $88,220 short fall also depending on the decisions for the backhoe and the mowers.

Strategic Implications:
Consultation: Nil
Comment: Nil
Voting Requirements: Simple Majority

Officers Recommendation:
Tender 1/2010 Ride on mower - That if the Z445 mower from Waltons is found to not be suitable, prices be sought from WALGA’s preferred suppliers list and a mower be purchased that is suitable.
That the Z727 John Deere mower that Council owns be sent to the Perenjori golf club and the L110 mower belonging to the golf club be sent to the caravan park.

Committee Recommendation:
Moved: Cr J A Bensdorp Seconded: Cr G K Reid
That the works supervisor be given authorisation to locate and purchase a suitable mower within the budget allocated and the current mower be disposed of between the Perenjori Golf Club and the Perenjori Caravan Park.
Carried: 6/0

COUNCIL RESOLUTION:
Moved: Cr JR Cunningham Seconded: Cr GK Reid
That the works supervisor be given authorisation to locate and purchase a suitable mower within the budget allocated and the current mower be disposed of between the Perenjori Golf Club and the Perenjori Caravan Park.
Carried: 9/0
Tender 2/2010 Backhoe – That Council accept the tender from Westrac for the purchase of the 432 E2 Cat backhoe, retaining the attachments, trade of Council’s CAT 428C, leaving a change over cost of $133,826 + GST.

Committee Recommendation:
Moved: Cr J A Bensdorp  
Seconded: Cr G K Reid
That the council accept the tender from Waltons for the purchase of the JCB 3CX PC-SS backhoe and trade of councils 428C CAT Backhoe with a changeover cost of $111,740 + GST

Carried: 5/1

COUNCIL RESOLUTION:
Moved: Cr JA Bensdorp  
Seconded: Cr GK Reid
That the council accept the tender from Waltons for the purchase of the JCB 3CX PC-SS backhoe and trade of councils 428C CAT Backhoe with a changeover cost of $111,740 + GST

Carried: 9/0

Tender 3/2010 Low Loader – That Council accept the outright purchase price from Allied Plant for $22,270 + GST

Committee Recommendation:
Moved: Cr G K Reid  
Seconded: CEO Stan Scott
That the council not accept any of the tender offers and seek a higher price for the low loader.

Carried: 6/0

COUNCIL RESOLUTION:
Moved: Cr GK Reid  
Seconded: Cr LC Butler
That the council not accept any of the tender offers and seek a higher price for the low loader.

Carried: 9/0

Tender 4/2010 Nissan UD – That Council accept the outright purchase price from Allied Plant for $32,770 + GST.

Committee Recommendation:
Moved: Cr J A Bensdorp  
Seconded: Cr JR Cunningham
That Council accept the outright purchase price from Allied Plant for $32,770 + GST.

Carried: 6/0
COUNCIL RESOLUTION:
Moved: Cr LC Butler  Seconded: Cr JR Cunningham
That Council accept the outright purchase price from Allied Plant for $32,770 + GST.
Carried: 9/0

Tender 5/2010 Concrete truck – That Council accept the outright purchase price from Allied Plant for $7,770 + GST.

Committee Recommendation:
Moved: Cr JR Cunningham  Seconded: Cr JA Bensdorp
That Council accept the outright purchase price from Allied Plant for $7,770 + GST.
Carried: 6/0

COUNCIL RESOLUTION:
Moved: Cr JR Cunningham  Seconded: Cr JH Hirsch
That Council accept the outright purchase price from Allied Plant for $7,770 + GST.
Carried: 9/0

Tender 6/2010 Ditchwitch – That Council accept the outright purchase price from Allied Plant for $3,270 + GST.

Committee Recommendation:
Moved: Cr G K Reid  Seconded: Cr L C Butler
That Council accept the outright purchase price from Allied Plant for $3,270 + GST.
Carried: 6/0

COUNCIL RESOLUTION:
Moved: Cr JR Cunningham  Seconded: Cr LC Butler
That Council accept the outright purchase price from Allied Plant for $3,270 + GST.
Carried: 9/0

Tender 7/2010 Gang mowers – That as no tenders were received, the mowers be retained and used to mow Council’s Sport’s grounds

Committee Recommendation:
Moved: Cr G K Reid  Seconded: Cr L C Butler
That as no tenders were received, the mowers be retained and used to mow Council’s Sport’s grounds
Carried: 6/0
COUNCIL RESOLUTION:

Moved: Cr RP Desmond Seconded: Cr JR Cunningham

That as no tenders were received, the mowers be retained and used to mow Council’s Sport’s grounds

Carried: 9/0

Tender 8/2010 Mack Prime Mover – That Council not accept the tenders for the outright purchase of the Mack Prime Mover and either re tender or place on WALGA’s on line auction site with reserve price.

Committee Recommendation:

Moved: CEO Stan Scott Seconded: Cr G K Reid

That Council not accept the tenders for the outright purchase of the Mack Prime Mover and either re tender or place on WALGA’s on line auction site with reserve price of $50,000.

Carried: 6/0

COUNCIL RESOLUTION:

Moved: Cr JH Hirsch Seconded: Cr JR Cunningham

That Council not accept the tenders for the outright purchase of the Mack Prime Mover and either re tender or place on WALGA’s on line auction site with reserve price of $50,000.

Carried: 9/0

Tender 9/2010 Side tipper – That Council do not accept the tenders for the outright purchase of the side tipper and either re tender or place on WALGA’s on line auction site with reserve price.

Committee Recommendation:

Moved: CEO Stan Scott Seconded: Cr G K Reid

That Council do not accept the tenders for the outright purchase of the side tipper and either re tender or place on WALGA’s on line auction site with reserve price of $30,000.

Carried: 6/0

COUNCIL RESOLUTION:

Moved: Cr GK Reid Seconded: Cr JR Cunningham

That Council do not accept the tenders for the outright purchase of the side tipper and either re tender or place on WALGA’s on line auction site with reserve price of $30,000.

Carried: 9/0
2.13PM Cr RP Desmond left the meeting
2.14PM Cr RP Desmond returned to the meeting
2.15PM Ken Markham and Norm Everett left the meeting

10046 GOVERNANCE

10046.1 COMMUNITY & LOCAL GOVERNMENT PARTNERSHIP WITH GINDALBIE METALS

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>GINDALBIE METALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FILE:</td>
<td>0</td>
</tr>
<tr>
<td>DISCLOSURE OF INTEREST:</td>
<td>0</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>STAN SCOTT – CEO</td>
</tr>
<tr>
<td>RESPONSIBLE OFFICER</td>
<td>STAN SCOTT – CEO</td>
</tr>
<tr>
<td>REPORT DATE:</td>
<td>6 APRIL 2010</td>
</tr>
<tr>
<td>ATTACHMENTS:</td>
<td>Partnership Agreement</td>
</tr>
</tbody>
</table>

Executive Summary:

In response to the “Maximising Community Benefits from Mining Projects” policy adopted by Council in September 2009 Gindalbie Metals has proposed a specific agreement in relation to its projects.

Applicants Submission:

Gindalbie Metals has proposed a specific agreement in relation to its Karara Iron Ore project and subsequent projects within the region. While the provisions of the agreement are not identical to the guiding principles adopted by Council the broad thrust of the principles have been codified in the proposed agreement.

Gindalbie Metals Ltd is proposing that Council considers adoption of a specific framework agreement as provided. Gindalbie Metals Ltd basis for this proposal is to ensure that there is mutual intent by both parties to progress and deliver benefits for both the Karara project and the hinterland communities.

Gindalbie Metals Ltd further proposes that the next steps in the process would be:

1) Mr Garret Dixon / Mr Steve Murdoch confirm ‘acceptance’ of the document
2) CEO’s recommend that the document progress to the Council meetings April 2010 for respective Council endorsements
3) Joint community / media promotion be undertaken facilitated by Gindalbie / Shires
4) Gindalbie / Karara and each Shire promote the agreement on their respective websites.

Following on from the above process, it is proposed that Gindalbie Metals Ltd senior executive Mr Garret Dixon and Mr Steve Murdoch meet with the Council CEO’s, to identify and confirm mutual deliverables in respect of both the construction operations phase of the project.

It is proposed that this phase of the process be facilitated in a workshop style of structure in which open dialogue can be conducted to identify and establish an agreed set of goals, commitments and strategies going forward. It is also acknowledged that this initial process is a preliminary phase only. As the project develops and other issues and initiatives are identified, the need for additional dialogue and negotiation will become necessary.

The text of the proposed agreement is set out below:

**A Community and Local Government Partnership with**

**Gindalbie Metals Limited**

**PREAMBLE**

The Shires of Perenjori, Morawa, Three Springs and Mingenew aspire to partner with Gindalbie Metals Limited (Gindalbie Metals) to maximise the regional benefits of the Karara Iron Ore Project and other new mining ventures initiated by the company within the region.

This partnership is proposed with a view to achieving social benefit and equity in each of the communities with a connection to the company’s mining plans, operations and activities. The partnership will be built on mutual respect and trust between the partners and, importantly, broad community support of Gindalbie Metals’ plans and operations.

The underlining theme of this partnership agreement is to strengthen local communities through increased population and the delivery of improved services and amenities as a result of the direct and indirect support provided by mine site activities.

The communities within the Shires understand the need and imperative to establish a significant and flexible workforce through a combination of residential and fly in fly out work arrangements. The communities support the development of a balanced workforce and encourage the establishment of a residential workforce through the company’s provision for those workers and their families who wish to live locally.

The Shires support Gindalbie Metals’ plans and acknowledge the company’s ability to help drive and facilitate the development of social infrastructure in the community. They recognise the importance of response times and, where appropriate, the fast tracking of approvals for infrastructure development for the long-term benefit of the area.

Gindalbie Metals acknowledges the role its operations play in the social, economic and environmental development of the Shires and commits to working closely with them to plan, implement and manage activities in the best interest of the communities.
The company recognises it is in the best interest of the partnership to develop a long-term strategy that demonstrates the stability, opportunity and growth supported by the Company's operations.

COMMUNITY

Support Local Population

The partnership recognises that one of the most important benefits from mining projects is the growth of local population and a more diverse regional economy.

Gindalbie Metals commits to a proactive approach to supporting increased local population by creating and driving business demand across a range of sectors in the community.

Further to this, by demonstrating a long-term sustainable outlook, Gindalbie Metals will enable workers (employees and contractors) to better assess the opportunity to relocate permanently to a regional area.

Support Local Communities

The partnership understands that the development of the Karara Iron Ore Project and any new mining ventures, will impact upon local communities in various ways. The partners will work together with the community to minimise or mitigate negative impacts and maximise positive impacts. This includes:

- Supporting processes for gathering input and feedback from community members;
- Supporting and encouraging community consultation;
- Responding to community feedback.

Support Local Lifestyle

The partnership recognises that for people to choose to live in rural areas they require access to facilities that support their preferred quality of life and that of their families. The partners will:

- Where practical, encourage and provide shift arrangements appropriate to support both operational requirements and participative family and community life;
- Support community sport, recreation and artistic facilities and services;
- Support essential services such as health, education and emergency services where practical;
- Progress these areas together to jointly implement the shared vision of a balanced and well-serviced community.

Support Education and Training initiatives

Gindalbie Metals supports the growth of individuals and the community through education and training opportunities. This will be demonstrated through:
• Encouragement and provision of scholarships for apprenticeships, traineeships, higher education, tertiary education and specialised training programs;
• Encouragement of continuing education through the provision of clear employment and training pathways;
• Identification and support of local educational and training initiatives through partnerships with recognised training providers.

ECONOMY

Support Local Employment
The partnership is committed to encouraging residential growth by maximising local employment, through:
• Actively seeking local employees;
• Providing flexible shift rosters to reflect quality of life and seasonal requirements of the local workforce while still meeting operational objectives wherever practical;
• Assisting to address structural barriers to local employment through encouraging and supporting the development of additional housing;
• Ensuring local people have access to relevant information and training;
• Maximising local employment opportunities as driven by operational requirements;
• Encouraging all contractors and sub-contractors to follow the principles outlined in this partnership, and in Gindalbie Metals community policies and procedures;
• Identifying and supporting opportunities for additional local employment.

Support Local Business
Gindalbie Metals recognises that local businesses and local contractors will provide the highest economic multiplier for the local economy and will:
• Commit to a buy local policy;
• Ensure all contractors and sub-contractors follow Gindalbie Metals’ community policies and procedures;
• Assist local contractors and suppliers to access information, support and training to meet required standards;
• Proactively encourage and support local business opportunities while creating a sustainable community not reliant on the operations of Gindalbie Metals;
• Cooperate to strategically plan for future business demand and infrastructure needs;
Cooperate to identify and, where of practical and mutual benefit, support the development of diverse and sustainable local industry.

Support Local Infrastructure
Gindalbie Metals understands that its infrastructure investment has implications for local communities. The partners will:

- Invest in shared infrastructure where of practical and mutual benefit appropriate and where shared benefit is clearly identified;
- Facilitate the timely approvals required for local infrastructure development;
- Evaluate and contribute to the upgrade and maintenance of local infrastructure where appropriate;
- Communicate with community stakeholders to advise and inform regarding community infrastructure support;
- Adopt measures that monitor the success of community infrastructure investment.

ENVIRONMENT
Support Economic Diversity
The partners will work together to support the development of sustainable local industry. This will include:

- The promotion and support for employment opportunities in fields focussed on environmental sustainability;
- Working with the community to maximise opportunities from recycling and processing waste streams;
- Identify and where operationally viable for Gindalbie Metals, support sustainability initiatives that enhance the operations of, and provide a cost benefit to, the Karara Iron Ore Project in fields such as water conservation, power generation, carbon capture and bio-fuels.

Support Environmental Awareness
Gindalbie Metals is committed to sound environmental management practices and together with its partners will:

- Deliver upon environmental offset obligations in line with its project approvals,
- Deliver on its proposed investment in infrastructure as outlined in the Karara Iron Ore Project proposal;
- Minimise unplanned social, environmental and economic impacts; and
• Work together with the community to identify and assess environmental initiatives for potential support by Gindalbie Metals.

Background:
The guiding principles were developed by the Shire of Perenjori following the ‘aspirational planning’ process by Gindalbie. They were adopted by the Shire of Perenjori in September 2009 and by neighbouring shires the following month.

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 agreed document should provide a basis for negotiating future community investments.

Consultation:
Consultation has been primarily between Greg Kaeding and local government CEO’s

Comment:
While the proposed document picks up the key points of the principles adopted by Council, it is qualified with terms like ‘where practical’ and ‘while meeting operation objectives’. Rather than a contractual obligation on contractors to meet the objectives of the agreement compliance with Gindalbie community policies will be monitored.

In short while the proposed agreement is not all that might be preferred, it is a very good start and provides the basis for communities engaging with the company and the project.

Voting Requirements:
Simple Majority

Officers Recommendation:
It is recommended that:-

1) The draft Local Government / Gindalbie Metals Ltd Partnership Specific Framework be accepted and adopted.

2) A joint press release be prepared and issued by Gindalbie Metals Ltd and the Shire of Perenjori (and other Shires if they agree)

3) Council enters into discussions and negotiations with Gindalbie Metals Ltd to develop specific goals and outcomes arising from the agreement.
4) The CEO, Shire President and Deputy Shire President be confirmed as Council’s representatives for this negotiation process.

5) The outcomes of the negotiation process be presented to Council for further consideration.

COUNCIL RESOLUTION:

Moved: Cr JH Hirsch  Seconded: Cr JR Cunningham

It is recommended that:-

1) The draft Local Government / Gindalbie Metals Ltd Partnership Specific Framework be accepted and adopted.

2) A joint press release be prepared and issued by Gindalbie Metals Ltd and the Shire of Perenjori (and other Shires if they agree)

3) Council enters into discussions and negotiations with Gindalbie Metals Ltd to develop specific goals and outcomes arising from the agreement.

4) The CEO, Shire President and Deputy Shire President be confirmed as Council’s representatives for this negotiation process.

5) The outcomes of the negotiation process be presented to Council for further consideration.

Carried: 9/0
Executive Summary:
Karara Mining has requested a formal proposal in relation to the 4 mining houses that they had committed to lease from the Shire.

Applicants Submission:
Stephen Murdoch, Chief Operating Officer of Karara Mining Limited wrote to the Shire in the following terms.

Further to our recent presentation at your shire council meeting, Karara Mining Limited (KML) supports previous commitments by our joint venture partner Gindalbie Metals Limited to develop initiatives to grow housing capacity in Perenjori. This will assist local businesses grow and develop long term relationships with the Karara Iron Ore Project by providing sufficient housing stocks to employ local labour.

Karara Mining Limited is initially prepared to enter into long term leases to support the development of 4 residences in Perenjori. KML requests a proposal (RFP) from the shire as a basis of a commercial negotiation to commence construction of 4 residences.

It is now incumbent on the Shire to develop a proposal that would capitalise in Karara Mining’s commitment.

Background:
Gindalbie Metals indicated during discussion with the Shire that it would lease 4 houses. Initially that commitment was based around flat packed housing, but subsequently it extended to any suitable dwelling. Suitable means of a standard that could be used for mining executives, including 4 bedroom two bathroom, minimum 180 square metres living space with an appropriate standard of fixtures, fittings and landscaping.

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

Financial Implications:
If Council was to develop the houses itself it is likely that it would be necessary to borrow at least $1 million. With current borrowings for the new subdivision and the swimming pool we would struggle to meet our borrowing ratios. The additional borrowing would need to be quarantined as part of a business plan. While that would resolve the ratio, it would not satisfy lenders in relation to total borrowings.

The alternative is to seek private investment.

Strategic Implications:
Additional housing is a key element of Council’s strategic plan.

Consultation:
The CEO has discussed the range of options with Karara Mining and specifically:
- They have no in principle objection to the housing being provided privately; or
- Extending the period of lease from the initially contemplated 15 years to 20 years.

The CEO met with the principal of Fortress Homes, a manufacturing and building company that is producing flat packed homes very similar to the initial concept when we commenced the project with UWA. He indicated that private investment would be a very good possibility for the mining houses.

Comment:
Council has noted over the last few years that there is significant call on Council’s resources for infrastructure renewal. A significant element in whether we can maximise the spin off from mining will depend on Council’s capacity to invest in community infrastructure. While there is some attraction in Council building the houses, managing the leases and eventually owning 4 additional dwellings, there is more attraction in having that capacity available for other infrastructure demands.

In order to establish a fair process for attracting private investment we would need to call for tenders. The tenderers would need to:
1. Commit to purchasing suitable land in the John Street subdivision to build the house or houses. Other suitable land in the townsite could be substituted by the tenderer;
2. Commit to building a residence or residences to meet the tender specification. (These details in terms of specifics would be teased out with Karara representatives)
3. Indicate the lease period offered, the lease payment required, payment terms and any escalation expected (eg CPI)
4. Demonstrate how the property would be maintained and serviced during the life of the lease.
There may be a single tenderer or multiple tenderers. Council has identified funding for a second flat packed house. Council may choose to include this house in the mining mix or retain it as an additional Council dwelling.

Private investment also has the advantage of selling some of the John St lots which Council has already agreed will be applied to reducing the debt from developing the subdivision.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That the CEO prepare a tender specification in consultation with Karara Mining Limited for the construction of 4 dwellings for long term lease by Karara Mining.

That Council retain the second flat packed house (if it proceeds) for its own use.

---

**Motion**

Moved: Cr JH Hirsch  
Seconded: Cr JR Cunningham

That Standing Orders be suspended for open discussion

Carried: 9/0

**Council Discussion**

---

**Motion**

Moved: Cr JH Hirsch  
Seconded: Cr RA Benton

That standing orders resume

Carried: 9/0

**COUNCIL RESOLUTION**

Moved: Cr GK Reid  
Seconded: Cr CM Johnston

That the CEO prepare a tender specification closing mid June in consultation with Karara Mining Limited for the construction of up to 4 dwellings for long term lease by Karara Mining.

Carried: 9/0

**Reason for amendment**

Council can not use the second flat packed house for its own use due to the conditions of the grant.
10046.3  REVIEW OF LOCAL LAWS

APPLICANT:  SHIRE OF PERENJORI
FILE:  0
DISCLOSURE OF INTEREST:  0
AUTHOR:  STAN SCOTT – CEO
RESPONSIBLE OFFICER:  STAN SCOTT – CEO
REPORT DATE:  7 APRIL 2010
ATTACHMENTS:  NIL

Executive Summary:
Local Governments are required to review Local Laws within 8 years of adoption.

Applicants Submission:
The Shire of Perenjori has the following Local Laws in force:

<table>
<thead>
<tr>
<th>Local Law</th>
<th>Principal Act</th>
<th>Date Gazetted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standing Orders</td>
<td>Local Government Act</td>
<td>2 February 2001</td>
</tr>
<tr>
<td>Local Government Property</td>
<td>Local Government Act</td>
<td>2 February 2001</td>
</tr>
<tr>
<td>Local Laws Relating to Fencing</td>
<td>Local Government Act</td>
<td>2 February 2001</td>
</tr>
<tr>
<td>Local Laws Relating to the Repeal of Obsolete Local Laws</td>
<td>Local Government Act</td>
<td>2 February 2001</td>
</tr>
<tr>
<td>Health Local Laws</td>
<td>Health Act 1911</td>
<td>7 August 2001</td>
</tr>
</tbody>
</table>

The prospect of Local Government reform has mitigated against earlier review. However advice from the Department indicates that Local Laws will continue to have effect after the amalgamation until reviewed by the new Local Government. Undertaking the review now will give the new Council some breathing space.
Apart from the statutory requirement for a review there are no drivers for change as a result of enforcement problems or unsatisfactory provisions in existing local laws. Therefore the most appropriate approach would seem to be to advertise for submissions as required under the Act, but not propose any changes.

**Background:**

The bulk of current local laws were due for review in 2009. There are no very old or obsolete local laws. The Repeal Local Law also adopted in 2001 repealed the following Local Laws:

<table>
<thead>
<tr>
<th>GAZETTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries</td>
</tr>
<tr>
<td>Caravan Parks</td>
</tr>
<tr>
<td>Fencing</td>
</tr>
<tr>
<td>Management of the Perenjori Swimming Pool</td>
</tr>
<tr>
<td>Appointment of Employees</td>
</tr>
<tr>
<td>Long Service Leave</td>
</tr>
<tr>
<td>Heavy Traffic</td>
</tr>
<tr>
<td>General By-Laws 1</td>
</tr>
<tr>
<td>Noxious Weeds</td>
</tr>
<tr>
<td>Poundage Fees and Sustenance Charges</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>13 July 1984</td>
</tr>
<tr>
<td>12 October 1965</td>
</tr>
<tr>
<td>31 December 1982</td>
</tr>
<tr>
<td>31 December 1982</td>
</tr>
<tr>
<td>7 November 1941</td>
</tr>
<tr>
<td>29 April 1949</td>
</tr>
<tr>
<td>2 May 1947</td>
</tr>
<tr>
<td>5 August 1930</td>
</tr>
<tr>
<td>17 December 1982</td>
</tr>
<tr>
<td>25 August 1933</td>
</tr>
</tbody>
</table>

**Statutory Environment:**

*Local Government Act 1995 S3.16* – requires the periodic review of Local Laws.

**Policy Implications:**

Nil

**Financial Implications:**

Cost of advertising only.

**Strategic Implications:**

Nil

**Consultation:**

The CEO sought advice from the Department of Local Government.

**Comment:**

The proposed state wide advertisement would read as follows:

**Shire of Perenjori**

**Review of Local Laws**

In accordance with the requirements of the Local Government Act Section 3.16 Council has resolved to review all current Local Laws. There are no proposals by the Shire of Perenjori for any changes to these Local Laws.
Standing Orders Local Law 2000
Local Government Property Local Law
Local Laws Relating to Fencing
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Local Laws Relating to the Repeal of Obsolete Local Laws
Cemeteries Local Law 2000
Health Local Laws 2001
Dogs Local Law 2005
Copies of the Local Laws are available for perusal at the Shire administration offices at 44 Fowler Street Perenjori. Submissions in writing may be made in relation to any of these Local Laws. Submissions Close 8 June 2010.

Stan Scott, CEO, Shire of Perenjori
PO Box 22, Perenjori WA 6620
Phone 08 9973 1002

The notice would also be published in the Bush Telegraph and displayed on notice boards.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That pursuant to Section 3.16 of the Local Government Act 1995 that Council invite public submissions in relation to the review of Shire of Perenjori Local Laws.

**COUNCIL RESOLUTION**

Moved: Cr JH Hirsch  
Seconded: Cr JA Bensdorp

That pursuant to Section 3.16 of the Local Government Act 1995 that Council invite public submissions in relation to the review of Shire of Perenjori Local Laws

Carried: 9/0
**10046.4 DIFFERENTIAL RATES FOR 2010-11**

**APPLICANT:** SHIRE OF PERENJORI  
**FILE:** 0  
**DISCLOSURE OF INTEREST:** 0  
**AUTHOR:** STAN SCOTT – CEO  
**RESPONSIBLE OFFICER:** STAN SCOTT – CEO  
**REPORT DATE:** 7 APRIL 2010  
**ATTACHMENTS** NIL

**Executive Summary:**

Council is required to advertise its intention to impose a differential rate, and must again seek Ministerial permission for mining rates.

**Applicants Submission:**

Council must advertise (local public notice) its intention to impose differential rates or differential minimum rates and allow a 21 days comment period before resolving to impose differential rates. The period in which advertising may occur is 1 May 2010 to 30 June 2010.

The proposed rates are as follows:

<table>
<thead>
<tr>
<th>Basis for Rating</th>
<th>Current Rate in $</th>
<th>Proposed % Increase</th>
<th>Proposed Rate in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Rental Value</td>
<td>10.9618</td>
<td>5.0</td>
<td>11.5099</td>
</tr>
<tr>
<td>Rural Rate – Unimproved Value</td>
<td>1.4550</td>
<td>5.0</td>
<td>1.5278</td>
</tr>
<tr>
<td>Mining Rate – Unimproved Value</td>
<td>21.1000</td>
<td>5.0</td>
<td>23.3735</td>
</tr>
</tbody>
</table>

**MINIMUM RATES**

<table>
<thead>
<tr>
<th>Basis for Rating</th>
<th>Current Rate in $</th>
<th>Proposed % Increase</th>
<th>Proposed Rate in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural – UV</td>
<td>$166.95</td>
<td>5.0</td>
<td>175.30</td>
</tr>
<tr>
<td>Perenjori Townsite – GRV</td>
<td>$166.95</td>
<td>5.0</td>
<td>175.30</td>
</tr>
<tr>
<td>Latham Townsite – GRV</td>
<td>$100.17</td>
<td>5.0</td>
<td>105.20</td>
</tr>
<tr>
<td>Other Townsite – GRV</td>
<td>$50.09</td>
<td>5.0</td>
<td>52.60</td>
</tr>
<tr>
<td>Mining Tenements</td>
<td>$278.26</td>
<td>5.0</td>
<td>292.20</td>
</tr>
</tbody>
</table>

The proposed increases are slightly higher than the Local Government Cost Index published by WALGA of 3.5% (that is designed to more accurately reflect increases in costs than CPI which is oriented towards household goods and services) but have been increased to reflect anticipated higher operational expenses resulting from increased mining activity in the region.

**Background:**

Council increased rates for the last two financial years by 5.5% but before that had not increased its rates for the preceding 2 years. The requirement for advertising results
from imposing a different Unimproved Value Rate for mining and agriculture where one rate is more than double the base rate, and from imposing a minimum rate.

**Statutory Environment:**

Section 6.33 *Local Government Act 1995.*

A local government may impose differential general rates according to zoning under a Town Planning Scheme or according to purpose for which the land is held (as determined by the Local Government). *In this case we impose different unimproved value rates on agricultural and mining land use.*

Must have Ministerial approval if imposing a differential rate which is more than twice the lowest differential rate imposed by the local government. *The proposed mining rate is more than twice the agricultural rate.*


Differential minimum payment may be imposed. The proposed minimums for agriculture and mining are different.

Section 6.36 *Local Government Act 1995.*

Subsection (1)

Local public notice must be given before imposing differential rates.

- May be published between 1st May and 30th June.
- Must contain
  - Details of each rate or minimum.
  - An invitation for submissions to be made by any elector or a ratepayer (within 21 days of the notice – or can be longer).
  - Any other information as per regulations.
  - Is to advise electors and ratepayers of the time and place where a document describing the objects of and reasons for each rate and minimum may be inspected.

Submissions must be considered before imposing the differential rates.

**Policy Implications:** Nil

**Financial Implications:**

The proposed changes would represent a 5.0% increase in rate collections.

**Strategic Implications:**

Council has foregone rate increases in the 2006/07 and 2007/08 and can no longer afford to carry cost increases.

**Consultation:** Nil

**Comment:**

Council had not increased agricultural rates for the 2 years 06/07 and 07/08. Council received Ministerial permission to increase mining rates to a level significantly higher than other UV rates for 08/09. We again need to obtain permission to continue to charge higher rates for mining than agriculture.
Shire of Perenjori  Ordinary Meeting
MINUTES  15th April 2010

Last season was very good for agricultural production even though prices have not been as high as predicted. Notwithstanding high input costs, it is reasonable to expect agricultural ratepayers to have the capacity to pay a modest increase.

A 5.0% rate increase would therefore be sustainable.

Voting Requirements: Simple Majority

Officers Recommendation:

That Council advertise its intentions to impose differential rates and differential minimum rates as follows:

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</tbody>
</table>

That Council seek ministerial approval to impose a differential rate on the unimproved value of mining tenements that is more than twice the lowest unimproved value rate in the Shire.

COUNCIL RESOLUTION

Moved: Cr JA Bensdorp     Seconded: Cr LC Butler

That Council advertise its intentions to impose differential rates and differential minimum rates as follows:

<table>
<thead>
<tr>
<th>Basis for Rating</th>
<th>Current Rate in $</th>
<th>Proposed % Increase</th>
<th>Proposed Rate in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Rental Value</td>
<td>10.9618</td>
<td>5.0</td>
<td>11.5099</td>
</tr>
<tr>
<td>Rural Rate – Unimproved Value</td>
<td>1.4550</td>
<td>5.0</td>
<td>1.5278</td>
</tr>
<tr>
<td>Mining Rate – Unimproved Value</td>
<td>21.1000</td>
<td>5.0</td>
<td>23.3735</td>
</tr>
</tbody>
</table>

MINIMUM RATES

<table>
<thead>
<tr>
<th></th>
<th>Current Rate in $</th>
<th>Proposed % Increase</th>
<th>Proposed Rate in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural – UV</td>
<td>$166.95</td>
<td>5.0</td>
<td>175.30</td>
</tr>
<tr>
<td>Perenjori Townsite – GRV</td>
<td>$166.95</td>
<td>5.0</td>
<td>175.30</td>
</tr>
<tr>
<td>Latham Townsite – GRV</td>
<td>$100.17</td>
<td>5.0</td>
<td>105.20</td>
</tr>
<tr>
<td>Other Townsite – GRV</td>
<td>$50.09</td>
<td>5.0</td>
<td>52.60</td>
</tr>
<tr>
<td>Mining Tenements</td>
<td>$278.26</td>
<td>5.0</td>
<td>292.20</td>
</tr>
</tbody>
</table>
That Council seek ministerial approval to impose a differential rate on the unimproved value of mining tenements that is more than twice the lowest unimproved value rate in the Shire.

Carried: 9/0
Executive Summary:

Future allocations of grant funding under the Royalties for Regions - Country Local Government Fund (GLGF), including the 2010-11 allocation, is dependent on the development of a Forward Capital Works Plan for each local government and a regional priorities plan for groups of Local Governments.

Applicants Submission:

The guidelines for the CLGF explain the objectives as follows:

*The primary objective of the Royalties for Regions’ Country Local Government Fund (CLGF) is to address infrastructure backlogs across the Western Australian country local government sector.*

The CLGF aims to:

- address infrastructure backlogs and support capacity building; and
- Improve the financial sustainability of country local governments in Western Australia through improved asset management.

The Department of Regional Development and Lands (RDL) has overall responsibility for administering CLGF.

Up to $10 million is allocated in 2009-10 to support capacity building and improved planning through:

1. Country local governments – up to $35 000 provided to each country local government to access expertise to develop a forward capital works plan that is consistent with strategic plans and asset management plans. *Provision of adequate forward capital works plans, informed by strategic and asset management plans, is a prerequisite to access individual local government allocations from the CLGF in 2010-11.*

2. Regional Development Commissions – up to $100 000 provided through each Regional Development Commission to support regional groups of
country local governments in the nine regions to identify, scope and plan regional infrastructure priorities. **Provision of adequate business cases for each regional priority infrastructure project put forward is a prerequisite to access the regional component of CLGF in 2010-11.**

3. Department of Local Government (DLG) –
   - $2.475 million to deliver complementary capacity building initiatives with a particular focus on strategic and asset management planning
   - Up to $2.5 million to assist those local government groups who have formalised their position and wish to proceed to amalgamation by investing in, for example, common operating systems and infrastructure.

2010-11 – Funding will be provided to individual country local governments and groups of country local governments for infrastructure asset renewal and/or infrastructure asset creation. Funding to individual country local governments is equivalent to 65 per cent of total available funds allocated in the 2010-11 financial year to CLGF. Funding to regional groups of country local governments is equivalent to 35 per cent of total available funds allocated in the 2010-11 financial year to CLGF, with allocations to go to regionally significant infrastructure asset renewal and/or infrastructure asset creation.

Funding will become available in the first quarter 2010-11, subject to further requirements detailed below. Further guidelines in relation to the 2010-11 funding will be released in the near future.

**Background:**
The bulk of the 09-10 allocation was ‘deferred’ due to reduced royalties’ income for the State. There is likely to be an article in next week’s Countryman on the impact of that withdrawal on the Perenjori Aquatic Centre Project.

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

**Policy Implications:** Nil

**Financial Implications:**
Perenjori’s allocation for 2010-11 under CLGF should approximate $440,000. The allocation for regional projects between the shires of Perenjori, Three Springs, Mingenew and Morawa should approximate $840,000.

**Strategic Implications:**
Quality capital investment planning will not be wasted.

**Consultation:**
Nil
Comment:
To apply for the funding requires that Local Governments complete and return a Financial Assistance Agreement by 30 April 2010. This agreement requires the application of the Shire’s Common Seal, which requires the Council’s endorsement. Included in the Schedules to the agreement is the following information:

SCHEDULE 4 – ROYALTIES FOR REGIONS PROJECT DETAILS

1. Detailed Description of Project

1.1. Project Objective/Description/Purpose
Development of a forward capital works plan for the Shire of Perenjori
The funding contributes to the sustainable development of the country local government sector through the development of a forward capital works plan that is consistent with developing and/or existing strategic, long term financial and asset management plans.

1.2. Project Outline/Timeframe

<table>
<thead>
<tr>
<th>Main Activities / Milestone</th>
<th>Milestone Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare Shire specifications, seek quotes and select consultant from panel list(s)</td>
<td>31 May 10</td>
</tr>
<tr>
<td>Engage consultants to assist develop plan</td>
<td>30 June 10</td>
</tr>
<tr>
<td>Provide feedback on draft plan</td>
<td>30 Sept 10</td>
</tr>
<tr>
<td>Submit final draft to Council</td>
<td>31 Oct 10</td>
</tr>
</tbody>
</table>

1.3. Project Budget

<table>
<thead>
<tr>
<th>Item</th>
<th>Item Cost</th>
<th>Source of Funds – CLGF</th>
<th>Source of Funds - Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultancy (Estimate)</td>
<td>$40,000</td>
<td>$35,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Shire Staff Costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEO 40 Hours @120 / Hour</td>
<td>$9,600</td>
<td>$0</td>
<td>$9,600</td>
</tr>
<tr>
<td>Staff 60 Hours @ 80 / Hour</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cost</td>
<td>$49,600</td>
<td>$35,000</td>
<td>$14,600</td>
</tr>
</tbody>
</table>
2. Completion date       31 December 2010

The Department has not yet published the list of preferred consultants is not possible to get a quote, so the proposal is based on the CEO’s estimate. It is suggested that Council allocate $20,000 in 2010-11 towards this project in case quotes exceed the estimate.

Voting Requirements:          Absolute Majority

Officers Recommendation:

1. That Council authorises the CEO and President to apply the common seal to the Financial Assistance Agreement for the development of a Forward Capital Works Plan

2. That Council allocate $20,000 in 2010-11 as Council’s contribution towards the development of the plan.

COUNCIL RESOLUTION

Moved: Cr JH Hirsch          Seconded: Cr CM Johnston

1. That Council authorises the CEO and President to apply the common seal to the Financial Assistance Agreement for the development of a Forward Capital Works Plan

2. That Council allocate $20,000 in 2010-11 as Council’s contribution towards the development of the plan.

Carried: 9/0
Executive Summary:
Motions for consideration at the WALGA AGM need to be lodged by 14 June 2010.

Applicants Submission:
WALGA’s correspondence advises as follows.
Submission of Motions

Member Local Governments are hereby invited to submit motions for inclusion on the Agenda for consideration at the 2010 Annual General Meeting. Motions should be submitted in writing to the Chief Executive Officer of WALGA.

The closing date for submission of motions is COB Monday 14 June 2010. Please note that any motions proposing alterations or amendments to the Constitution of the WA Local Government Association must be received by COB Thursday 6 May 2010 in order to satisfy the 60 day constitutional notification requirements.

The following guidelines should be followed by Members in the formulation of motions:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to Members – i.e. does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

Background:

That WALGA AGM will be held on Saturday 7th August at the Perth Convention and Exhibition Centre as part of the Annual Local Government Convention (Local Government Week)

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:

Motions at the AGM allow the Local Government Industry to debate the important issues confronting the sector. There can be a tendency for debate to centre around topical issues that have flared up around the time of the convention with little expectation of any action or resolution. It can also be an opportunity for the industry to send a message to other levels of government.
For example there could be a case for a resolution calling for greater commitment to Local Government. The decision to withdraw the bulk of the CLGF from the sector at very short notice was a slap on the face for the sector and could generate some discussion.

There is sufficient time for issues to be examined and a considered motion and submission prepared prior to the May Ordinary Council Meeting and still meet the WALGA deadline.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That Council determine whether there are any matters it wishes to raise at the WALGA AGM.

**COUNCIL RESOLUTION**

Moved: Cr JA Bensdorp  
Seconded: Cr RP Desmond

That Council will advise CEO Stan Scott by the 20th May 2010 of any matters to be raised at the WALGA AGM.

Carried: 9/0
Executive Summary:
The Structural Reform Working Group met on 10 March 2010, and the next meeting is scheduled for 14 April.

Applicants Submission:
The meeting of 10 March resulted in the following:

- The Group noted the appointment of John Elliott by the selection panel as project officer for the structural reform process;
- Senior staff from the Department of Local Government attended the meeting.
- The Working Group endorsed the name Billeranga as the name for the new Shire, and this has been advertised for public comment prior to formal adoption;
- The Working Group endorsed a series of Questions and Answers for publication in local newsletters. These will form part of a regular series and in future will include questions from the community.
- A new communications plan was adopted
- Work commenced on the development of a regional business case as requested by the Shire of Perenjori.

In other developments:

- The Department for Local Government has published a Regional Business Planning Framework
The Department for Regional Development and Lands providing details of how Country Local Government Funds will be applied in the future. In short we will require a forward capital works plan and regional infrastructure priority plan within the region. For the purposes of CLGF the region is the 4 shires.

Funding quarantines for voluntary amalgamations ($2.5M in each of 09/10 and 10/11) will be managed by the Department of Local Government.

The Project Officer has prepared a list of key financial indicators to be included in the proposed business plan. These are:
Amalgamation Financial Components

- **Audit** - finalise business of existing Councils
- **Financial Plan** – collate and review existing financial plans (attention to inconsistencies inherited from Councils)
- **Accounting Practices** – collate and review existing accounting systems, prepare interim accounting directions
- **Financial policies** – collate and review existing policies, prepare interim policies
- **Business registration** – apply for abn, gst and ftb registration, new group taxation registration, review patrol tax thresholds and apply to OSR for registration, review NCP thresholds
- **Banking and investment** – prepare interim banking and investment arrangements
- **Stocks and stores control** – segregated initial stock take, collate and review existing stocks arrangement, establish interim stores arrangement
- **Ledger and accounts** – collate and review existing accounting structure, prepare interim accounting structure
- **Creditor** – review existing creditors arrangements, prepare interim creditors arrangements, communicate with creditors
- **Debtor** – review existing debtors arrangements, prepare interim debtors arrangements, communicate with debtors
- **Procurement** – collate and review, prepare interim procedures, communicate with preferred suppliers
- **Amalgamation cost recovery** – establish amalgamation cost and recording system (including rebadging system consolidation costs)
- **Budget management** – collate and review existing budget arrangements, interim budget management arrangements, prepare revised consolidated budget
- **Capital works** – collate and review existing forward capital works programs
- **Fees and Charges** - collate register of fees, review services and facilities pricing, endorse new non regulatory fees and charges, adopt new regulatory fees
- Infrastructure-
- Land and Buildings –
- Plant and equipment –

- collate and review existing asset information,
- identify and integrate critical infrastructure assets,
- review and plan for rationalisation of critical asset maintenance and construction standards,
- identify integrate critical property assets
- review and plan for rationalisation critical assets maintenance construction standards
- collate and review existing asset classes
- review and plan for rationalisation of critical plant and assets
- review and plan for rationalisation of critical asset maintenance and renewal

Reserve funds - collate and review

Loans, repayment dates etc - review existing loans arrangements, prepare interim loan arrangements, communicate with loans providers

Insurance - review existing insurance arrangements, prepare interim insurance arrangements, communicate with Insurers.

Payroll - rates, conditions - collate and review existing payroll arrangements, interim payroll management arrangements, prepare revised payroll and agreement structures and revised contracts.
Background:
The Structural Reform Working Group consists of the CEO’s and two representatives of each participating Council, notionally the President and Deputy President.

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:
The Working Group acknowledged the need to ensure that Elected Members are kept well informed of developments.

Comment:
The Working Group continues to work through the issues surrounding structural reform. The main issue for consideration by Council at this stage is those issues to be considered in the development of the business case. The finances list is reasonably comprehensive, but there may be other things that Council would like included.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council request the following additional issues be considered in the business case.

ITEM DEFERED UNTIL MORE INFORMATION IS PROVIDED TO COUNCIL
### Structural Reform Working Group

#### Morawa

**MINUTES**

**10th March 2010**

**Start Time:** 4:05 pm

<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item</th>
<th>Decision / Action</th>
<th>By Whom</th>
<th>By When</th>
</tr>
</thead>
</table>
| 1  | Attendance | **Present:** Cr Michelle Bagley, Cr Annie Trekoar, Cr Karen Chappel, Cr Jill Holmes, Cr Gary Turley, Cr Dean Carslake, Cr Ken Stoker, Cr Chris King, Mr Tim Fowler (DLG) & Mr Ross Earnshaw (DLG)  
**Apologies:** Cr Turkey, Cr Laurie Butler & Cr Chris Carslake  
Mr Stan Scott, Mr Gavin Treasure, Mr Ian Fitzgerald & Mr John Elliot |         |         |
| 2  | Minutes    | Moved Perenjori, Seconded Morawa  
That the Minutes of the meeting held on 10th February be accepted as a true and correct record.                                                                                                           |         | CARRIED |
| 3  | Welcome to Project Officer | Cr Bagley introduced and welcomed John Elliot to the SRWG.                                                                                                                                                     |         |         |
| 4  | Welcome to Guests | Mr Tim Fowler and Mr Ross Earnshaw work for the Department of Local Government (DLG) in the area of legislation and structural reform.  
Mr Ross Earnshaw advised that he is the DLG contact for the SRWG.  
Mr Tim Fowler advised that the submission for funding has been received and the DLG is available to support and assist in the amalgamation process. |         |         |

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**MINUTES**

**10th March 2010**

<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item</th>
<th>Decision / Action</th>
<th>By Whom</th>
<th>By When</th>
</tr>
</thead>
</table>
| 5  | Name the Shire Competition | Cr Chappel displayed a historic map depicting the region. The map included the name “Billeringa” and advised that this should be noted as the correct spelling for the new Shire name.  
Cr King suggested Yarramongers as a suitable name and stated that there is no immediate need to make a decision on a new Shire name.  
Cr Badley stated the all submissions in the name competition were greatly appreciated.  
Moved Mingensaw seconded Morawa  
Billeringa endorsed as the preferred new Shire name and “Name the Shire” competition prize money be distributed between the 5 primary schools in the region.  
CARRIED 7/1  
Mr Elliot to prepare a media release and advertisement advising of the SRWG endorsement of Billeringa as the preferred name and requesting final public comments. | Mr John Elliot | ASAP  
Final public comment closing 23 March 2010 |
<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item</th>
<th>Decision / Action</th>
<th>By Whom</th>
<th>By When</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Communications Plan</td>
<td>Mr Treasure advised that the Department of Local Government had provided assistance in the development of the draft Communications Plan. Mr Elliot stated that events, staged workshops, informal meetings and functions could be utilised as communication tools to link the amalgamation process with key groups including community, industry, environment, business, indigenous, education and health. Mr Scott recommended deletion of “...are not directly linked to the SRWG.” Under Section 6 (Media Relations), paragraph 2. Mr Ross Earnshaw advised that the Department of Local Government was satisfied with the structure of the Communications Plan. Mr Elliot to review the Communications Plan, include the suggested modification and submit plan to the next meeting.</td>
<td>Mr Elliot</td>
<td>24 March 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item</th>
<th>Decision / Action</th>
<th>By Whom</th>
<th>By When</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Community Updates</td>
<td>Mr Treasure presented examples of possible questions for inclusion in a community update on the amalgamation. The “Question and Answer” format could be utilised in advertising, media releases and included on the Shires web sites as a suitable format to start community updates on the amalgamation. Mr Fowler advised that the Department of Local Government press section would be available to assist in the review of community updates. Cr Treloar advised that question 11 “Can I keep my existing motor vehicle number plates” be included in the first community update. Cr Bagley recommended that Mr Elliot’s contact details and information on his work days at each Shire office be included in the first community update. Mr Elliot to prepare advertisement and press release</td>
<td>Mr Elliot</td>
<td>ASAP</td>
</tr>
<tr>
<td>8</td>
<td>Organisation Structure</td>
<td>Mr Treasure presented four organisation structure options for consideration by the SRWG. The four options included the distribution of services and management into 4 hubs incorporating 4 key management roles. These roles include CEO, Strategic Development manager, Corporate Services manager and Works/Asset manager. Each role would also take on a town centre management role. The organisation structure to be presented in a chart format by Mr Elliot for the next meeting.</td>
<td>Mr Elliot</td>
<td>24 March 2010</td>
</tr>
<tr>
<td>No</td>
<td>Agenda Item</td>
<td>Decision / Action</td>
<td>By Whom</td>
<td>By When</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td>-------------</td>
</tr>
<tr>
<td>9</td>
<td>Regional Business Plan</td>
<td>Requirement for Business Plans to be developed as the next stage of the amalgamation process.</td>
<td>Mr Elliot</td>
<td>24 March 2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr Elliot requested information relating to a suitable structure for the business plan and details on whether risk management and due diligence components were required. Mr Fowler advised that the Department of Local Government had not completed a defined structure for the regional business plan at this time.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr Treasure raised the issue as to whether funding could be fast tracked by the Department of Local Government to assist in the completion of the regional business plan and other key components of the amalgamation. Mr Fowler advised that they were not in a position to fast track funding and it would require assessment under the normal assessment process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>It was agreed that Mr Elliot prepare a scoping paper for the preparation of a regional business plan and provide a draft copy at the next meeting.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item</th>
<th>Decision / Action</th>
<th>By Whom</th>
<th>By When</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>General Discussion Items</td>
<td>The SRWG discussed the need to review asset management within the 4 shires and determine funding options available to assess and upgrade assets.</td>
<td>Mr Elliot</td>
<td>24 March 2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr Fowler advised that funding may be available under the royalties for regions scheme and country local government fund.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Cr King advised that the asset management review should be a component of the regional business plan.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>The working group recommended that Mr Elliot include the asset management assessment as part of the regional business plan scoping document.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Mr Treasure provided information on email correspondence sent by the Shire of Morawa to Mr Wayne Schaggia from the Western Australia Local Government Association (WALGA). The correspondence detailed the negative communications to the amalgamation process conveyed by WALGA and the need for public and administrative support to local authorities currently completing the amalgamation process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Next Meeting</td>
<td>Next Meeting: 4pm, Wednesday 24th March 2010, Shire of Three Springs. Mr Elliot to prepare the agenda for the meeting.</td>
<td>Mr Elliot</td>
<td>17 March 10</td>
</tr>
<tr>
<td>15</td>
<td>Close</td>
<td>5.52pm</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Name the New Shire Competition

The Shires of Mingenew, Morawa, Perenjori & Three Springs are coming together as one

The Structural Reform Working Group has considered all the entries in the Name the New Shire Competition and we are pleased to announce that Billeranga has been chosen as the preferred name.

We were very pleased with the interest in the Name the Shire competition and wish to thank all the entrants.

It was not an easy task to decide on the winner, but we are sure that the preferred name Billeranga represents the region, with a strong connection with both history and identity. Billeranga is a group of hills located close to midway between the four major towns that will make up the new Shire.

Residents located within the Shires of Mingenew, Morawa, Perenjori and Three Springs are welcome to submit comments regarding the preferred name by Monday 12 April 2010.

Feedback and submissions can be sent to the Shire offices or by contacting John Elliot, Project Officer Structural Reform Working Group on 0459 281 102.
Press Release

Contact: John Elliot  FOR IMMEDIATE RELEASE
Phone: 0459 281 102 9 AM, 30 March, 2010

PROJECT OFFICE TO ASSIST MID WEST SHIRES IN AMALGAMATION

The Shires of Mingenew, Morawa, Perenjori and Three Springs, are pleased to welcome John Elliot as a project officer.

John joins the Shires and Structural Reform Work Group to assist in the amalgamation process.

The Department of Local Government and the four mid-west Western Australian Shires have jointly funded the new position.

“We are pleased to welcome John to the four mid west shires”, said Cr Michelle Bagley Shire President, Shire of Mingenew. “His experience and familiarity with project management and country planning makes him a perfect fit in assisting the Shires through the amalgamation process.”
Mr Elliot has more than 15 years of professional experience in town planning, economic development and project management.

Prior to joining the mid west local authorities, he worked as a Town Planner with the Department for Planning and as the Town Centre Coordinator for the City of Gosnells.

-End-
TO ALL LOCAL GOVERNMENTS

LOCAL GOVERNMENT REFORM UPDATE

Bulletin No 1 - 2010

The Local Government Reform Steering Committee held its latest meeting on 19 March 2010.

At the meeting, the final reports by the four Working Groups (Commercial Enterprise and Urban Development; Corporate and Strategic Planning; Legislative Reform; and Training and Capacity Building) were tabled, with three of the Working Group Chairs present to speak to their recommendations.

These recommendations will be reviewed by the Steering Committee members and incorporated, as appropriate, in the Steering Committee’s report to the Minister in April. The Steering Committee’s Report will also incorporate responses from local governments in relation to Regional Transition Groups (RTGs) and Regional Collaborative Groups (RCGs).

Once the Report is provided to the Minister, the Steering Committee will be wound up and replaced by the Reform Implementation Committee. This Committee will be supported by five new Working Groups which will focus on providing support to those local governments undertaking reform, in the areas of:

- Human Resources and Change Management
- Governance and Legal
- Finance
- Strategic Planning and Community Engagement
- Information management and Technology

Information regarding the Regional Business Planning Framework which I sent to all Mayors, Presidents and CEOs on 18 March, was also tabled at the Steering Committee meeting. Local governments have been invited to contact the Department if they have any comments or suggestions regarding the Regional Business Planning Framework. These comments will then be provided to the Working Group on Strategic Planning and Community Engagement which has been nominated as the reference group for the development of the RTG and RCG Regional Business Planning templates.

As you are aware, the Minister is seeking responses from local governments in relation to the RTG and RCG models by 26 March. These will then be referred to the Steering Committee for consideration as part of its final report to the Minister.

Jennifer Mathews
DIRECTOR GENERAL

26 March 2010
Regional Business Planning Framework

Regional Transition Group Planning

Regional Transition Groups (RTGs) and Regional Collaborative Groups (RCGs) are partnerships formed between two or more local governments to explore the social, economic and environmental benefits and related costs of local government reform, and to progress those reforms.

RTGs are being offered as a model to local governments which see the opportunities from reform. Local governments which form an RTG will be required to complete a Regional Business Plan to consider whether an amalgamation would benefit their communities.

Local governments that have agreed to participate in a Regional Transition Group will be required to complete a Regional Business Plan within 9 months of signing the Regional Transition Group Agreement. The Department of Local Government has commissioned the development of a Regional Business Plan Framework to provide Regional Transition Groups with a robust business planning framework and methodology. The Framework will help local governments produce structured accurate information on the short and long term implications of amalgamations and on the practical steps needed to create a single entity.

The outcomes of undertaking a Regional Business Plan:

- Respective local governments will have robust planning and information on which to make an informed decision about the costs and benefits to their communities of an amalgamation.

- Local governments will be able to identify the planning steps and costs required to transition into a single new entity.

- An optimal governance and operational structure for a new entity.

- Communities will be better informed about the implications of amalgamation through access to the Regional Business Plan information.

Regional Collaborative Group Planning

RCGs are being offered to local governments in regional areas such as the Kimberley, Pilbara, northern Goldfields and the Murchison where vast distances between towns mean amalgamation is not a priority. Local governments would work together on a Regional Business Plan to maximize the benefits to their communities of streamlined services and structures.

The information presented below focuses on Regional Business Plans for Regional Transition Groups. Elements such as integrated strategic planning, asset and financial management and service delivery options are relevant to RCGs, however other elements are not. A separate Regional Business Plan Template will be developed for RCGs and the planning assistance and related planning activities will apply to RCGs.
Regional Business Plan Framework

Purpose

The purpose of the Regional Business Plan for RTGs is to assist local governments in their decision on whether to proceed to an amalgamation. This will involve:

1) planning and costing out the transition to a single entity; and

2) undertaking a comparative analysis between the existing entities and the new entity in the key areas of governance, strategic capability and service delivery.

The Regional Business Plan process will also identify optimal governance and operating structures for a new entity.

Scope

The Regional Business Plan Framework is compatible with the requirements of the Plan for the Future and will include provision for:

- Governance arrangements of the existing entities and for the new entity;
- Integrated strategic planning processes, with appropriate community engagement;
- Analysis of productivity/service improvements;
- Asset management systems, including Infrastructure renewal and maintenance; and
- Financial information including all sources of funding, commitments and liabilities.

To complete the Regional Business Plan comparative information will be generated through analysis of service delivery options, such as service centre and administration arrangements and how capacity to deliver key services can be improved. Importantly the requirements for staffing, best use of scarce specialist staff, creating roles that attract and retain specialist staff will be considered as a result of the planning.

Business management systems are part of the governance and operations of the organisations. The Regional Business Plan will outline draft governance and operational structures for a new entity for consideration of the participating local governments.

An integrated planning model is to be adopted by new entities in line with the WA Local Government Act and national frameworks. Whether developed from existing planning information or generated as new process, the Regional Business Plan will incorporate robust strategic, asset and financial planning. This component of the Regional Business Plan will gain additional support through strategic planning and asset management projects planned to commence in 2010/2011.

There is an ideal opportunity to review financial information of each member and to gain an understanding of the financial capacity and capability of the new entity. The financial information will include rates and other income streams, capital works budget, borrowings, commitments and contingent liabilities. Financial systems models and processes used by the respective Councils can be compared and best choices for the future made.

Comparative information on asset and infrastructure management including condition assessments, replacement and maintenance schedules and asset management systems will provide options to maximise asset utilisation and achieve the most cost-effective maintenance and replacement schedules.
The costs of transition will include both once off costs and ongoing costs, including new community consultation arrangements. These costs will be prepared in relation to annual budgets and five and ten year budgets. It is not expected that the funds provided by State Government for transition and amalgamation will fully cover relevant costs. Similarly it is not expected that benefits accruing will be realised in less than three to five years.

Some of the governance benefits that will be explored through the Regional Business Plan include those achieved through procurement design improvements, resource consolidation and business management approaches.

Transition planning is integral to the construction of the Regional Business Plan and will include risk analysis and management plans and the key actions, timelines, milestones, consultation points and accountabilities.

The implementation of the Regional Business Plan will result in community consultation and participation throughout the transition phase. This will ensure communities have direct input into the planning of the new local government. The Framework will also help local governments determine ways of achieving equitable representation for local communities.

**Completing the Regional Business Plan**

**Planning Assistance**

Financial assistance will be made available to Regional Transition Groups to undertake a Regional Business Plan. Funding from the State Government will be triggered by signing the Agreement. It is anticipated that local governments will wish to purchase expert services to assist in completing the business plans using the Regional Business Plan Template.

The completion of the template will be supported by Guidelines on definitions, information requirements and specific details relating to sections of the template. The Department is working collaboratively with the Local Government Managers Australia (WA Division) to establish a suitably qualified panel of experts whose services will be made available to local governments participating in Regional Transition Groups. The panel of experts will be briefed on this and any related planning processes that support local government reform.

A senior departmental officer will be assigned as a Case Manager to each Regional Transition Group to assist with the completion of the Regional Business Plan and to provide other support as required.

**Related Planning**

Related planning activities will be initiated through 2010 and 2011 which will provide contributory information for the Regional Business Plans. The related planning activities include:

- Completion of Forward Capital Works Plans that will give a preliminary analysis of priority infrastructure requirements for expenditure under the Country Local Government Fund. These plans will contribute some infrastructure information to the Regional Business Plan.

- Under joint funding from the State Government and the Commonwealth Local Government Reform Fund local governments will be assisted to adopt integrated strategic planning and asset management systems. The implementation of integrated planning and asset management systems will inform components of the Regional Business Plan and become the basis for these activities in the new entity.
The panel of experts will be briefed across all related planning activities and available to local governments for all related planning projects.

**Timeframes**

The Regional Business Plan Template and Guidelines will be available from the beginning of May 2010.

Local Governments are asked to complete Regional Business Plans within nine months after signing the Agreements.

A panel of specialists able to assist RTG’s and RCG’s prepare the Regional Business Plan will be called for by early April 2010.

**Contact Details**

For more information about the Regional Business Plans, please contact:

Chris Berry
Manager
Structural Reform Branch
(08) 9217 1417
Chris.Berry@dlg.wa.gov.au

Caroline Tuthill
Project Manager
Structural Reform Branch
(08) 9217 1444
Caroline.Tuthill@dlg.wa.gov.au
Executive Summary:
WALGA is seeking input into its submission for the second Draft of the State Waste Management Plan.

Applicants Submission:
The new draft of the strategy takes up some of the issues raised previously by WALGA including product stewardship (such as container deposit schemes) and community education. Much of WALGA’s input was ignored, which is of concern given Local Government’s central role in waste management.

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:
Some policy decisions can create significant cost for small local governments if not thought through.

Strategic Implications:
Member Councils in the MWRC have been participating in the development of a regional waste management plan.
Nil
Consultation:

Comment:
The role of the Regional Strategic Waste Management plan is highlighted. Apart from that the impact on Perenjori and Latham tips will be limited.

Voting Requirements:

Simple Majority

Officers Recommendation:
That Council not make a submission to the review but continue to monitor developments

COUNCIL RESOLUTION
Moved: Cr JH Hirsch
Seconded: Cr CM Johnston
That Council not make a submission to the review but continue to monitor developments

Carried: 9/0
Draft State Waste Strategy
The first draft of the State Waste Strategy was released in September 2009. WALGA undertook comprehensive Local Government consultation to inform our submission which included conducting workshops throughout the State. As a result, the submission developed by the Association covered:

- Recommendations to include waste management infrastructure as 'essential service' under planning schemes;
- State Government commitments to waste management;
- Strategic partnerships necessary for the Strategy to succeed;
- The need to consider constraints on Local Government operations;
- The primary criteria for setting the Landfill Levy;
- The advantages of Product Stewardship and the need for a robust methodology to determine priority products; and
- A detailed examination of the Targets and strategies suggested by the Waste Authority.

The second version of the draft Strategy has just been released. Comments close with the Waste Authority on Monday, 19 April 2010. The State Government has made a small number of additions including a commitment to the development of product stewardship regulations and community education programs. The Association is concerned, however, that a number of our recommendations were not addressed by the Strategy. The Association will be seeking clarification on the drivers for the Strategy, and how the Strategies in the document will aid in the successful achievement of the Targets.

Targets
The Targets from the second draft of the Strategy include:

- **Waste Recovery Targets**
  1. In metropolitan Perth at least a 70% recovery rate for municipal waste by 2016 (up from approximately 45%).
  2. The contamination rate of kerbside recyclables collections will be reduced from approximately 25% to 10% by 2016.
  3. The recovery rate for construction and demolition waste will be increased from 14% in 2008/07 to 50% by 2016 and 70% by 2020.
  4. The recovery rate for commercial and industrial waste will continuously increase over the lifespan of the strategy. At least one facility for processing commercial and industrial waste will be established by 2018 and a second by 2020.
  5. In larger regional areas with a population greater than 25,000 at least a 45% recovery rate for waste by 2016.
  6. The Waste Authority will assist Local Government and Industry to be guided by the EPA in determining which forms of resource recovery are acceptable under which conditions.
Waste Disposal Targets

7. All landfills servicing metropolitan Perth will be operating to appropriate standards by 2011.
8. All landfills servicing larger regional areas with a population greater than 25,000 will be operating to existing standards consistent with those used by larger landfills in WA by 2015.
9. Landfills that are not consistent with the existing standards of larger landfills in WA will be closed by 2015 if they lie within a 100km radius of a landfill that does meet the standards. These sites will be replaced with transfer stations.
10. Residual waste from all regions with a population of less than 25,000 will be managed in accordance with a local or regional strategic waste management plan by 2015.

Despite concerns raised by the Association regarding the high targets for Local Governments, the draft Strategy has not been amended except to remove the original Waste Avoidance Target.

It is still not clear how the Strategies within the document will aid in attaining the Targets. The Association applauds the commitment to the development of extended producer responsibility schemes and community education programs. The specific mention of a container deposit system is welcomed.

For commercial and industrial waste there is not a percentage based recovery rate target. This is surprising, as the Strategy highlights that this waste stream is greater than municipal solid waste, and will continue to grow.

WALGA draft submission on the draft Strategy
The Association will be developing a further submission in response to the second draft. The concerns of Local Government will be highlighted, particularly in relation to the Targets for Local Government, the need for a commitment around funding, and the necessity for a partnership approach between State Government and Local Government to ensure the Strategy is successful.

To provide input to the Association’s Submission send comments to Waste Policy Coordinator, Erin Faery by COB Monday 12 April 2010 at efuery@walga.asn.au.

Alternatively, we encourage individual submissions to the Waste Authority, and appreciate a copy of your response for our records. Comments to the Waste Authority close COB Monday 19 April 2010.

For further information regarding the second draft of the State Waste Strategy, including a copy of the document, visit the Waste Authority website at http://www.zerowastewa.com.au/

To access WALGA’s previous submission, visit the WasteNet website at http://www.wastenet.nal.au/
Executive Summary:
BL & MJ Thornton has requested an extension of existing arrangements for rubbish collection for another 12 months.

Applicants Submission:
Mr Thornton wrote to the Shires of Morawa and Perenjori in the following terms.

Mr. Gavin Treasure / Mr. Stan Scott
C.E.O. Morawa Shire / Perenjori Shire

Re: Morawa and Perenjori Waste Removal

Our one year extension for the provision of refuse and waste disposal in the Morawa and Perenjori Shires will expire as of the 30th April 2010.
We would like to extend the agreement for another year.
There would be a slight increase of 3% across the domestic/commercial /street and loose-commercial removal:

- Domestic Household $2.03 per week
- Commercial $2.03
- Street Bins $1.93
- Loose Commercial $41.20 per hour

We look forward to continuing our relationship with the Morawa and Perenjori communities.

Background:
The service offered by Mr Thornton has been consistent and reliable for many 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:
The CPI rise is appropriate.

Strategic Implications:
The Shire is developing a Regional Strategic Waste Management Plan with neighbouring Councils. The final version of this plan is still several months away.

Consultation:
The CEO has had discussions with Mr Thornton and he is aware of the albeit slow progress of the planning. He cannot upgrade his machinery without a longer term commitment. The Shire cannot offer a longer term commitment until the plan is completed.

Comment:
Apart from the impact of the Waste Management Plan it is reasonable to expect that we will develop similar arrangements across the 5 affected towns. In the meantime we still need someone to collect the rubbish. An extension of the existing arrangements for another 12 months would seem appropriate.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council extend the existing contract with BL & MJ Thornton for another 12 months at the prices requested.

COUNCIL RESOLUTION

Moved: Cr JR Cunningham    Seconded: Cr JA Bensdorp

That Council extend the existing contract with BL & MJ Thornton for another 12 months at the prices requested.

Carried: 9/0
Executive Summary:
The Midwest Group of Affiliated Agricultural Societies present a Mid West District display at the Perth Royal Show each year. This promotes local produce and tourism of the Midwest to visitors at the show.

Applicants Submission:
A request for financial assistance has been received from the group for the set up of the display for this year’s show.

Background:
Council has contributed annually an amount of $250.00

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 provision is allocated for the 2009/10 budget

Strategic Implications:
Nil

Consultation:
Nil

Voting Requirements:
Simple Majority
Officers Recommendation:
That Council donate $250 to the Mid West Group of Affiliated Agricultural Societies for the purpose of contributing towards the Mid West District Display at the 2010 Perth Royal Show.

COUNCIL RESOLUTION
Moved: Cr RA Benton Seconded: Cr JH Hirsch
That Council donate $250 to the Mid West Group of Affiliated Agricultural Societies for the purpose of contributing towards the Mid West District Display at the 2010 Perth Royal Show

Carried: 9/0
Executive Summary:
The Midwest Housing Working Group is hosting a strategic forum in Perenjori on 11 May 2010.

Applicants Submission:
Following a successful forum in Perth on 30 November 2009 a further forum will be held in Perenjori to advance the issues identified in the first forum. This meeting will involve the following State Ministers:

- Minister for Regional Development and Lands – Hon Brendon Grylls; and

State agencies will have had 4 months to consider and develop responses to the issues raised in November. Perenjori was chosen as a venue because it is ground zero for mining development and we are able to leverage on the North Midlands Economic Development Summit in the same location 10 years ago.

Background:
The Midwest Housing Working Group consists of the Midwest Development Commission, the Shires of Perenjori, Morawa, Mingenew and Three Springs and the office of the Hon Mia Davies MLC.

The aim of the November forum was to develop strategies to plan and provide housing for mid west hinterland communities in line with major project development.

By the end of the workshop, participants had achieved the following outcomes:

- clarity about the context of hinterland development;
- clarification of the demand and current situation;
- development of strategies for the way forward; and
- agreement on the next steps.
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:

Much of the cost will be met by the MWDC, but the Shire would not charge for use or cleaning of the venue.

Strategic Implications:

There is significant opportunity to advance Council’s goals to increase housing stock and population.

Consultation:

All key State housing and planning agencies were involved in the first forum as were project proponents.

Comment:

This forum is part of a significant effort to gain community benefits from mining projects which has been a significant theme for Council over the last several years.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council note the proposed Strategic Housing workshop in Perenjori on 11 May 2010.

COUNCIL RESOLUTION

Moved: Cr GK Reid Seconded: Cr LC Butler

That Council note the proposed Strategic Housing workshop in Perenjori on 11 May 2010.

Carried: 9/0
Executive Summary:
The Perenjori Sports Club has requested the $20,000 allocated by Council for 2009/10 to Sports Club improvements be provided for works completed.

Applicants Submission:
The Sports Club wrote to Council as follows:

We are requesting the above agreed donation for the Sports Club.

We would like to take this opportunity to thank the Shire of Perenjori for this donation. As you would agree the renovations we have made thus far, have greatly improved the interior and surroundings of the Sports Club.

To outline the monies spent, the following invoices have been paid by the Sports Club.

- $6336.50 Midalia Steel- patio

- $4845.01 WCC Electrical and Air-conditioning- ( includes power reconnection and new power boards to tennis courts, bowls and also reconnecting power to netball courts. )

- $12,542.20 Frig Tech Services- purchase and installation of three split system air-conditioners.

We thank you for your attention regarding this matter.

Background:
In September 2009 Council resolved as follows:
That Council write to the Perenjori Sports Club as follows:
1. That Council as part of a grant application process developed a concept plan for a replacement building and obtained an architect’s assessment of the likely costs of refurbishing the existing building, and these documents are available to the club.

2. That Council has allocated $20,000 in the current budget to work at the Perenjori Sports Club as requested by the club;

3. That Council supports the Sports Clubs independence, but would encourage the Sports Club to make a formal decision with community consultation on whether to commit to refurbishing the existing club or working towards seeking a replacement.

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 budgeted a $20,000 allocation for this year.

Strategic Implications: Nil

Consultation:
It does not appear that the formal public consultation has proceeded, but actions would suggest that the Sports Club has decided to invest in the existing premises rather than working towards a new facility.

Comment:
Recent works at the Sports Club have been quite impressive and have certainly improved both the appearance and comfort of the building.

Voting Requirements:
Simple majority

Officers Recommendation:
That Council authorise payment of the donation of $20,000 to the Sports Club on presentation of a valid Tax Invoice.

COUNCIL RESOLUTION
Moved: Cr JA Bensdorp Seconded: Cr GK Reid
That Council authorise payment of the donation of $20,000 to the Sports Club on presentation of a valid Tax Invoice

Carried: 9/0
Executive Summary:
A group from the Mid West Development Commission will be in Perenjori to meet with Council at 4pm.

Applicants Submission:
Representatives of the Mid West Development Commission will be in Perenjori today. The representatives are:
Mr Murray Criddle Chairman
Mr Mark Canny Senior Project Manager, Communication & Technology
Mr Adam Murszewski Communications and Grants Coordinator
Adam worked previously with the Department of Sport and Recreation in Geraldton and was very helpful in securing the swimming pool grant.

The itinerary will be as follows:
3 pm Townsite Tour with EDO
4 pm Meet with Council
6 pm Drinks and Dinner at the Perenjori Hotel

The MWDC is working with the hinterland shires to address the shortage of accommodation for development of the inland towns of Perenjori, Morawa, Three Springs and Mingenew, but primarily focussed on Perenjori and Morawa.

The MWDC and local governments will be jointly hosting a mining forum in Perenjori on 11 May 2010. To date it appears that we will have Hon Brendon Grylls, Minister for Regional Development and Lands and Hon Norman Moore, Minister for Minerals and Petroleum in attendance. The forum will follow up a meeting in Perth from November 2009 where potential housing solutions were broached with State agencies.
Background:
The Mid West Development Commission is responsible for distributing regional
development funding on behalf of the State Government.
Support for Perenjori has included:
- Funding for the Caravan Park chalets (they will be staying there tonight)
- Grant for the aquaculture project ($50,000)
- Grant to assist with the development of flat packed houses
- Support for the construction of the second flat packed house for use by mining
  industry

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 MWDC should be a strategic partner in the development of the Perenjori
community.

Consultation:
Nil

Comment:
The MWDC has requested the opportunity to meet with Council. Council may wish to
suspend Standing Orders to allow for less formal discussion.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council suspend standing orders to allow less formal discussion with MWDC
representatives.

*NOTE:* If all other business has been completed the Presiding Officer may decide
instead to close the meeting.
10047 OTHER BUSINESS

10047.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

- The Mining Chronicle – April 2010
- Training and Development 2010, WALGA – Quarterly Calendar April/May/June
- Correspondence from Minister for Agriculture to Stan Scott re: Local Government and Genetically Modified Canola
- ALGA News – April 01, 2010
- Local Government News – Issues 10.10, 11.10, 12.10 and 13.10
- Media Statement Paul Papalia CSC, MLA “Barrett offers special deal to wealthy western suburbs councils” – 16 March 2010
- Media Statement Dr Sally Talbot MLC “Planning approvals bill seriously flawed” – Thursday 18 March 2010-04-07
- Media Statement Dr Sally Talbot MLC “Labor introduces legislation to ban plastic bags” – Thursday 1 April 2010
- Media Statement Kate Doust MLC and Sally Talbot MLC “WA’s renewable energy target cactus” – 13 March 2010
- Media Release Senator the Hon Stephen Conroy “Digital television Australia-wide”
- Local Government Reform Update, Department of Local Government – Bulletin No 1 2010
- Regional Business Planning Framework, Local Government Reform, Department of Local Government
- Board Communiqué - Rural Health West
- Workplace Relations Alert 12/2010, WALGA, Local Government Workplace Solutions
- Councillor News – 23 March 2010
- Regional Report e-newsletter – Editions 36 and 39
- MWAC Information Bulletin – Issues 134 and 135
- Preventing Crime – March 2010
- Road Safety Network – February 2010
- CSIRO Publishing – February to April 2010
- disAbility update – Issue 44
- Government News – February/March 2010-04-07
10047.4.1 APPLICATION FOR CLEARING PERMIT

APPLICANT: DEPT OF MINERALS AND PETROLEUM
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO
RESPONSIBLE OFFICER: STAN SCOTT – CEO
REPORT DATE: 13 APRIL 2010
ATTACHMENTS: Correspondence from the Department of Mines and Petroleum.

Executive Summary:
Perengary Pastoral Company has requested a Clearing Permit to clear 7.5ha for the purposes of mineral production, that is, gypsum extraction.

Applicants Submission:
Perengary Pastoral Company has requested a Clearing Permit to clear 7.5ha for the purposes of mineral production, that is, gypsum extraction. The permit is under consideration under delegated powers by the Dept of Mines and Petroleum. The Shire of Perenjori has been invited to comment.

Background:
Perengary Pastoral Company has been involved in gypsum extraction for several years. Details of the land to be cleared is on the attached correspondence.

Statutory Environment:
The application will be determined under delegated authority under the Environmental Protection Act 1986.

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

Comment:
The area proposed to be cleared is a very small portion of an extensive salt lake and claypan system north of Oversby Road.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council not object to the proposed clearing permit.

COUNCIL RESOLUTION
Moved: Cr JR Cunningham Seconded: Cr LC Butler
That Council not object to the proposed clearing permit
Carried: 9/0
Shire of Perenjori
MINUTES
15th April 2010

Government of Western Australia
Department of Mines and Petroleum

Dear Mr Scott

Application to Clear Native Vegetation under the Environmental Protection Act 1986

The Department of Mines and Petroleum has received the following application for permit to clear native vegetation under the Environmental Protection Act 1986 (the Act):

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Perangary Pastoral Co</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Type:</td>
<td>Purpose Permit</td>
</tr>
<tr>
<td>Tenement:</td>
<td>Mining Lease 764/20</td>
</tr>
<tr>
<td>Purpose:</td>
<td>Mineral Production</td>
</tr>
<tr>
<td>Area (ha):</td>
<td>7.1 ha</td>
</tr>
<tr>
<td>Period Applied for:</td>
<td>1 March 2010 - 30 April 2011</td>
</tr>
<tr>
<td>Shire:</td>
<td>Shire of Perenjori</td>
</tr>
<tr>
<td>Clearing Permit System (CPS) No:</td>
<td>3516/1</td>
</tr>
</tbody>
</table>

In accordance with sub-section 51E(4) of the Act, on behalf of the Director Environment Division, I consider that you may have a direct interest in the subject matter of the application and invite your comment on the proposal. It should be noted that the decision to issue a permit will only occur once the affected mining or petroleum title is granted. The Director Environment Division will then, after having taken into account any comments received and subject to sections 51O and 51P, either grant a clearing permit (including any specified conditions) or refuse to grant a permit.

Enclosed are maps indicating the area proposed to clear. Please forward your submission to the above address within 21 days from the date of this letter quoting CPS 3516/1.

If you have any queries regarding this matter, please contact Heather Johnson in the Department's Native Vegetation Assessment Branch on (08) 9222 3570 or email heather.johnson@dmp.wa.gov.au for further information.

Yours sincerely,

[Signature]
Program Manager
Native Vegetation Assessment Branch
Environment Division

12 March 2010
10047.4.2 MEDICAL PRACTITIONER AGREEMENTS

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 13 APRIL 2010
ATTACHMENTS Shared Medical Services Agreement
Deed of Commercial Lease - Schedule

Executive Summary:
The new General Practitioner, Dr Nalina Rao has arrived in Morawa and has agreed to terms with Morawa for the delivery of General Practitioner Services

Applicants Submission:
The new General Practitioner, Dr Nalina Rao has arrived in Morawa and has agreed to terms with Morawa for the delivery of medical services. It is now necessary to execute the following agreements in relation to medical services for Perenjori:

A Deed of Commercial Lease for the Perenjori Medical Centre:
The agreement is a peppercorn lease for the medical centre which sets out the areas of exclusive use, shared use and no access within the centre. The annual lease charge is $1.

A Shared Medical Services Agreement with the Shire of Morawa.
Under this agreement the Shire of Perenjori underwrites the income for the General Practitioner. This commitment is proportional to the number of 3 hour patient sessions per week for each of the centres. The quantum of the guarantee is the same as has been in place for the last two GPs and to date it has not been necessary to invoke the guarantee as the practices have generated sufficient income.

Background: Dr Afilaka ceased practicing on 5th March 2010.
Dr Roa was born in Fiji and completed her medical training in Queensland. She qualified in 2001 and has worked in a variety of roles in WA and Queensland including work in metropolitan GP practices, country GP services and public hospitals.

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.
Shire of Perenjori Standing Orders Local Law 2000 requires a resolution of Council before the common seal may be applied to any document.
Policy Implications:  
Nil

Financial Implications:
Each year Council spends in the order of $24,000 towards the cost of maintaining general practitioner services. This is mostly attributable to medical centre maintenance, Doctor’s travel and computer software.

Strategic Implications:
General Practitioner services are critical for maintaining a functioning community.

Consultation:
The Health Department of WA has verified Dr Roa’s qualifications to work as an independent GP.

Comment:
Morawa and Perenjori have been without a Doctor for 6 weeks. However in light of the number of doctors’ vacancies in WA this is a very good outcome.

Dr Roa has signed up for a two year period under the same conditions as Dr Afilaka. There will still need to be discussions with DR Rao on whether she will operate a dispensary and whether she will bulk bill. These matters do not form part of the agreement.

Dr Roa will be invited to meet Council at the May Council meeting. Given that she has just arrived in Morawa and still has to unpack and get her medical practices in order it was decided not to try to push too much on her in her first few days.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council authorises the application of the common seal to the following documents:

1. Agreement between the Shire of Perenjori and the Shire of Morawa in Relation to Sharing Medical Services; and
2. Deed of Commercial Lease between the Shire of Perenjori and Dr Nalina Rao
COUNCIL RESOLUTION

Moved: Cr RA Benton  Seconded: Cr JH Hirsch
That Council authorises the application of the common seal to the following documents:

1. Agreement between the Shire of Perenjori and the Shire of Morawa in Relation to Sharing Medical Services; and

2. Deed of Commercial Lease between the Shire of Perenjori and Dr Nalina Rao

3. Agreement between the Shire of Perenjori and Dr Nalina Rao in relation to Medical Services.

Carried: 8/0

Reason for amendment
Councillors expressed a desire to formulate an agreement between the Shire and Dr Nalina Rao.
Schedule to Commercial Lease

Item 1  Land

The land situated at and more particularly described as Lot 74 Russell Street, Perenjori, Western Australia

Item 2  Premises

The medical centre and all buildings constructed on the Land.

For the purposes of this lease the lessee:

- Has exclusive use of the doctor’s consulting room and the adjoining storage room at the front of the building, the storage room at the rear of the building and the receptionist’s room;
- Has shared access to common areas in the resting of the building including the waiting area, kitchen, passage toilets and additional consulting rooms;
- Has exclusive use of furniture and equipment supplied for the purpose of operating a medical practice.

The lease does not include access to the office occupied by the Home and Community Care (HACC) Coordinator.

Item 3  Term

(a)  Commencement Date
19th April 2010

(b)  Termination Date
18th April 2012

Item 4  Option Term

19th April 2012 to 18th April 2013
Item 5  Place for payment of Annual Rent

All rent shall be paid to such person and place as the Lessor shall from time to time direct the Lessee in writing.

Item 6  Rent and Review

(a)  Annual Rent
$ 1 per annum, plus GST, payable annually in advance.

(b)  Review Dates
Not Applicable

(c)  Method of Rent Review
Not Applicable

(d)  Rent Review – Consumer Price Index
Not Applicable

(e)  Rent Review - Current Market Value
Not Applicable

Item 7  Rates and taxes payable by the Lessor

Nil.

Item 8  Permitted Use

The carrying on of the business of a medical practice, known as “Perenjori Medical Centre”.

Item 9  Particulars of insurance
(a) Policy to be effected by the Lessor at the Lessor's expense:

A policy insuring the Premises for the replacement value thereof against loss or damage by fire, lightning, thunderbolt, storm, tempest, rainwater, water, earthquake, flood, impact, explosion, aircraft, riots, strikes and other malicious acts, removal of debris, and to include additional clauses relating to extra cost of reinstatement, alteration and occupancy, architects fees, automatic reinstatement, capital additions, hazardous goods, temporary removal and any other risks which may seem to the Lessor to be reasonably necessary or expedient.

(b) Policies to be effected by the Lessee at the Lessee's expense:

(1) A policy insuring against breakage or damage from any cause of all external and internal glass fixed to, and forming part of, the Premises for the market value and cost of replacement thereof.

(2) A public liability policy for an amount of indemnity of not less than $10,000,000 (or any higher sum which is reasonably determined by the Lessor from time to time).

Item 10 Special clauses

The Lessor and the Lessee agree that this deed of Commercial lease is subject to the provisions of the Shared Medical Services Agreement ("MSA") entered into between lessor and the Shire of Morawa.
DATED ........ 2010

SHIRE OF MORAWA

AND

SHIRE OF PERENJORI

AGREEMENT IN RELATION TO SHARING MEDICAL SERVICES

MULLINS HANCOCK
Level 13, 37 St George’s Terrace
PERTH WA 6000
This Agreement is made this day of ....... 2010

BETWEEN

The Shire of Morawa of Prater Street, Morawa, Western Australia;

and

The Shire of Perenjori of Fowler Street, Perenjori, Western Australia.

RECITALS

A. The Shire of Morawa ("Morawa") has recently obtained the services of a qualified Medical Practitioner.

B. The Shire of Perenjori ("Perenjori") has a similar need for medical services in its district.

C. The two Shires have reached agreement as to a shared arrangement for the provision of medical services in their districts and wish to record their understanding in writing.

DEFINITIONS

1 In this agreement, unless the context otherwise requires, the following terms have the meanings set out below:

“Apportionment Formula” – means the ratio based on the number of Patient Sessions that the Medical Practitioner allocates between Morawa and Perenjori;

“Combined Practices” – means, for the purposes of Clause 6, the aggregate of the two medical practices operated by the Medical Practitioner in both Morawa and Perenjori;

“Medical Practitioner” - means any medical practitioner engaged for the purposes of this agreement;
“Patient Session” – means a session whereby the Medical Practitioner is available to provide medical services at the relevant medical centre (or other nominated premises) in either Morawa or Perenjori for at least three (3) hours duration;

AGREEMENT

2 Morawa and Perenjori each agree that, subject to the terms of this agreement, they are independently entitled to agree terms and conditions with the Medical Practitioner provided that those terms and conditions do not conflict with the terms of this agreement.

3 Morawa and Perenjori each agree that independently of this agreement they will each make their own arrangements with the Medical Practitioner in relation to the provision of residential accommodation, commercial premises (including a medical centre) and medical equipment and facilities in their respective districts.

4 Morawa and Perenjori each agree that the obligations, costs and expenses set out in Clause 5 shall be apportioned between the parties, for each financial year or part thereof, according to the Apportionment Formula.

5 Morawa and Perenjori each agree that they shall be severally liable (that is to say, they are each only liable for their respective proportions) to the Medical Practitioner for the following obligations, costs and expenses:

(a) The use and benefit of a motor vehicle, including registration and comprehensive insurance costs, to the approximate value of $45,000.00, such vehicle at all times to be owned by and registered in the name of Morawa;

(b) The guarantee of Gross Annual Income set out in clause 6, together with any independent accounting, audit, legal or other service or advice that may be necessary in relation to issues arising from that guarantee;

(c) All reasonable costs that may be agreed with the Medical Practitioner as being necessary to retain his or her services within the district;

(d) If the current Medical Practitioner (Dr Nalini Rao) ceases for any reason to provide medical services in the district, then all costs and expenses associated with securing the services of another Medical Practitioner, including but not limited to:

   (i) advertising;

   (ii) travel;

   (iii) relocation;
(iv) AMA;

(v) immigration;

(vi) legal advice;

(vii) accounting advice;

(viii) incentive payments;

(ix) remuneration; and

(x) income guarantees.

6 Income Guarantee

- Subject to Clause 6(b) and (c), if during any financial year of the term of this agreement, the gross annual income of the Medical Practitioner, derived from the Combined Practices, is less than one hundred and eighty thousand dollars ($180,000.00) then Morawa and Perenjori shall pay to the Medical Practitioner the difference between $180,000 and the actual gross income of the Medical Practitioner derived from the Combined Practices for that financial year. For the avoidance of doubt, the intention of this clause is that the Medical Practitioner's gross annual income derived from the Combined Practices is guaranteed to be not less than one hundred and eighty thousand dollars ($180,000.00);

- The provisions of clause 6(a) shall only apply if:
  - The Medical Practitioner has complied with all of the terms and conditions of his respective independent service agreements with each of Morawa and Perenjori;
  - The Medical Practitioner has provided Morawa and Perenjori with all his financial records and those of the Combined Practices (including tax returns signed off by a practising accountant), audited if necessary, sufficient to reasonably satisfy Morawa and Perenjori as to the gross income of the Combined Practices in each relevant financial year or part thereof; and
  - Any and all direct and indirect payments or other financial distributions that may be made by the Medical Practitioner from the Combined Practices to any of his associated, related or other entities:
    - must first be approved in writing by Morawa and Perenjori; and
    - are to be added back to the gross income of the Combined Practices for the purpose of clause 6(a), so as to properly reflect the gross annual income of the Combined Practices in the relevant financial year or part thereof.
7. The parties agree that their respective rights and obligations under this agreement shall be for an initial term of two (2) years commencing on ..........2010 and expiring on ..........2012.

8. The parties agree that, subject to any express agreement between them to the contrary, the terms and conditions of this agreement shall continue to apply after 31 December 2008 on a monthly basis subject to any necessary changes being made until either party gives at least one (1) months written notice to the other of their intent to terminate the agreement.

9. The costs of preparing and stamping this agreement shall be paid equally by the parties.
EXECUTED by the parties as a Deed on the day, month and year set out above.

Executed by the Shire of Morawa under its Common Seal in the presence of:

________________________________________
Shire President

________________________________________
Chief Executive Officer

Executed by the Shire of Perenjori under its Common Seal in the presence of:

________________________________________
Shire President

________________________________________
Chief Executive Officer
CR CM JOHNSTON RETURNED TO THE MEETING AT 3.42PM

10047.4.3 COMMITTEE NOMINATION – CR CM JOHNSTON

Summary
Council discussion regarding Cr CM Johnston not currently being a representative on any Committees.

COUNCIL RESOLUTION
Moved: Cr JH Hirsch    Seconded: Cr JA Bensdorp
That Cr CM Johnston replaces Cr RP Desmond on the Health, Building and Planning Committee
Carried: 9/0
10047.5 MATTERS BEHIND CLOSED DOORS

10047.6 DATE OF NEXT MEETING / MEETINGS

10047.7 CLOSURE

With no further business the Ordinary Council meeting was officially closed at 3.50pm

I certify that this copy of the Minutes is a true and correct record of the meeting held 15th April 2010.

Signed: ______________________
Presiding Elected Member
Date: ______________________