Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 21st October 2010, commencing at 2.15pm

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10100.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
Chairman Cr King officially opened the meeting at 2.15pm

10100.2 OPENING PRAYER
Cr Bensdorp led council in the Opening Prayer

10100.3 DISCLAIMER READING

10100.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:
Cr Chris King
Cr Laurie Butler
Cr John Bensdorp
Cr John Cunningham
Cr Robyn Benton
Cr Cathy Johnston
Cr Rodney Desmond
Stan Scott – CEO
Doug Stead – DCEO
Ken Markham – Works Supervisor
Kimberley Wheeler – Executive Assistant

Apologies
Cr Graeme Reid
Cr Jenny Hirsch
Garry Agnew – Director of Developmental Services

10100.5 PUBLIC QUESTION TIME
Nil

10100.6 PETITIONS / DEPUTATIONS / PRESENTATIONS
Nil

10100.7 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

Proximity Interest – Local Government Act s 5.60B
Cr John Bensdorp announced a Proximity Interest in Item 10104.1 due to residing in a neighbouring house.

Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.
Cr John Cunningham declared an Interest Affecting Impartiality in Item 10104.2 due to Financial land through association dealing with Karara.
APPLICATIONS FOR LEAVE OF ABSENCE

Cr Rodney Desmond applied for leave of absence for the next ordinary council meeting to be held on the 18th November 2010

Cr King Moved that Cr Desmond’s application be accepted.

Carried: 6/10

CONFIRMATION OF MINUTES

Minutes of Ordinary Council meeting held 16th September 2010 are attached.

COUNCIL RESOLUTION

Moved: Cr CM Johnston  Seconded: Cr LC Butler
That the minutes from ordinary council meeting held on the 16th September 2010 be accepted as a true and accurate record subject to the below amendment.

‘Cr CM Johnston be nominated as a representative for the Roadwise committee meeting’ be added below the resolution on page 26

Carried: 7/0

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
10101.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY

APPLICANT: DEPUTY CEO
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: GYPSIE DOUGLAS-- SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER DOUG STEAD - DCEO
REPORT DATE: 14th OCTOBER 2010
ATTACHMENTS SEPTEMBER FINANCIAL ACTIVITY REPORTS

Executive Summary:

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

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

Statutory Environment: N/A
Policy Implications: N/A
Financial Implications: N/A
Strategic Implications: N/A
Consultation: N/A

UHF Haines Norton

Voting Requirements: Simple Majority

Officers Recommendation:

1. Statement of Financial Activity

That the Statement of Financial Activity for the period ended 30th September 2010 including report on variances be accepted as presented.

2. Finance Report

That the Finance Report for the period ended 30th September 2010 be accepted as presented.
3. Acquisition of Assets
That the Acquisition of Assets Report for the period ended 30th September 2010 with a balance of $430,17.00 as presented be received.

4. Reserves Report
That the Reserves Report for the period ended 30th September 2010 with a balance of $916,668.81 as presented be received.

5. Net Current Assets
That the Net Current Assets report for the period ended 30th September 2010 with a balance of $1,976,304.00 as presented be received.

6. Bank Reconciliation’s
That the balances of the Municipal Fund of $153,465.73 and the Trust Fund of $41,105.47 as at 30th September 2010 as presented be received.

7. Sundry Creditors Report
That the Sundry Creditors Report for the period ended 30th September 2010 with a balance of $624,974.80 as presented be received.

8. Sundry Debtors Report
That the Sundry Debtors Report for the period ended 30th September 2010 with a balance of $268,654.15 as presented be received.

9. Accounts for Payment
That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 17630 to 17664 and EFT Numbers 1933 to 1986 for $309,437.97 and the Trust Account consisting of Cheque Number 795 to 797 and EFT Numbers 1935 for $700.90 for the period ended 30th September 2010 as presented be accepted.

10. Rates Outstanding
That the Rates Outstanding Report for the period ended 30th September 2010 as presented be received.

COUNCIL RESOLUTION
Moved: Cr RP Desmond  
Seconded: Cr JA Bensdorp
That item 1-10 of the Financial Activity Report ending 30th September 2010 be accepted as accurate.

Carried: 7/0
10101.2 BAD DEBTS WRITE OFFS

APPLICANT: DEPUTY CEO
FILE:
AUTHOR: Kimberley Wheeler – Executive Assistant
RESPONSIBLE OFFICER Doug Stead – Deputy Chief Executive Officer
REPORT DATE: 13th October 2010
ATTACHMENTS AUSTRAL MERCANTILE EMAIL

RECOMMENDATION FOLLOWS

Executive Summary:

Councils Debt Collection Agency - Austral Mercantile Collections have informed that despite all efforts it has proved futile for outstanding debtors Kez Carter and that further action would be uneconomical.

Kez Carter has an outstanding debt for rental of shire housing (107a Livingstone Street) from 01 May 2009. The debtor has been actively pursued since then but to no avail.

Outstanding Rent $1284.30

Statutory Environment: N/A

Policy Implications:

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

Financial Implications:

04008 Bad Debts Expense

Strategic Implications: N/A

Consultation:

Austral Mercantile

Voting Requirements: Simple Majority

Officers Recommendation:

That Outstanding Debtor Kez Carter $1284.30 be written off as a bad debt.

Committee Recommendation

Moved: DCEO D Stead Seconded: CEO S Scott
That Outstanding Debtor Kez Carter $1284.30 be written off as a bad debt.
Carried 6/0
COUNCIL RESOLUTION

Moved: Cr JA Bensdorp
Seconded: RP Desmond
That Outstanding Debtor Kez Carter $1284.30 be written off as a bad debt.
Carried: 7/0

---

Leah Leopold

From: Helouise Hall [helouise.hall@australmercantile.com.au]
Sent: Wednesday, 21 July 2010 8:18 AM
To: Leah Leopold
Subject: ILM101666 - RE: Kez Carter - My ref: 784561
SynergySoft: ILM101666

Good Morning Leah,

I just received a report from our external agent, and it's not good news! Please see below.

The debtor is part of the One Arm Point Aboriginal Community north of Broome. The Gumala Aboriginal Corporation in Tom Price, PO Box 61 Tom Price 9188 1845 advise they send all the debtor’s mail to Kez Carter c/- One Arm Point Community via Broome 6721. The community is remote, the Aboriginal Corporation advised the debtor seems to work sporadically and has little income to repay any debts. The Corporation also indicated that due to it’s location it is rarely serviced by bailiff etc and the debtor has few assets. They were surprised the debtor and his partner were being pursued as they believed there was almost no chance of success. There is nothing else at all listed in the debtor’s name and we believe Danielle Bynder originated at the Jigalong Aboriginal Community and has relatives in Newman who claim no knowledge of her whereabouts.

Regards,

Helouise Hall
Senior Account Manager
Austral Mercantile Collections Pty Ltd

Phone: (08) 6467-3048  Fax: (08) 6467-3050
Visit us on the web at www.australmercantile.com.au
A QBE Company - NIBA General Insurer of the Year 2002 - 2009
Email: Helouise.Hall@australmercantile.com.au
Website: www.australmercantile.com.au
Executive Summary:
Council agreed to loan the Perenjori Telecommunications & Resource Centre $5000 on the 21st September 2007, with repayments to begin in July 2010.
It is now recommended that this debt be written off as per the 2010 Annual Budget.

Statutory Environment: N/A

Policy Implications:

Financial Implications:
04226 PJ Telecentre – Funding Agreement

Strategic Implications: N/A

Consultation: Nil

Voting Requirements: Simple Majority

Officers Recommendation:
That council write off the debt of $5000 from the Perenjori Community Resource Centre as per the Shires 2010 Annual Budget.

Committee Recommendation
Moved: Cr R Desmond  
Seconded: CEO S Scott
That council write off the debt of $5000 from the Perenjori Community Resource Centre as per the Shires 2010 Annual Budget.

Carried  6/0
10101.4 CORPORATE MASTERCARD – CEO

APPLICANT: DEPUTY CEO

FILE: 

AUTHOR: Kimberley Wheeler – Executive Assistant
 RESPONSIBLE OFFICER: Doug Stead – Deputy Chief Executive Officer
 REPORT DATE: 13th October 2010

ATTACHMENTS

Executive Summary:

The CEO has a Business Bankwest Master card with a limit of $10,000 which is being used for Shire purposes. It is considered appropriate to change this method of funding Shire activities.

The business mc rules make the card holder rather than the organisation responsible for the debt

An application for a Corporate Master card in the Shire of Perenjori’s name is being sought with an extended limit of $20,000. Because the credit card is used for a variety of purposes, there have been occasions where the $10 000 limit has been insufficient.

Statutory Environment: N/A

Policy Implications:

Financial Implications:

Strategic Implications: N/A
 Consultation: Nil
 Voting Requirements: Simple Majority

Officers Recommendation:

That council authorise the CEO to obtain a corporate Master card with a $20 000 credit limit.

Committee Recommendation

Moved: Cr J A Bensdorp Seconded: Cr R Desmond

That council authorise the CEO to obtain a corporate Master card with a $20 000 credit limit.

Carried 6/0
<table>
<thead>
<tr>
<th>10102</th>
<th>HEALTH BUILDING &amp; PLANNING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
## Plant Report

Date: 7th October 2010

<table>
<thead>
<tr>
<th>Asset #</th>
<th>Year</th>
<th>Serviced</th>
<th>Description</th>
<th>Hours</th>
<th>Kilometres</th>
<th>Repairs Done</th>
</tr>
</thead>
<tbody>
<tr>
<td>PJ 1501</td>
<td>2005</td>
<td>21/10/10</td>
<td>Amman Tyre Roller</td>
<td>1449</td>
<td></td>
<td>Tyres Inflated</td>
</tr>
<tr>
<td>PJ 1502</td>
<td>1992</td>
<td>2/09/10</td>
<td>Vibrating Roller</td>
<td>44</td>
<td></td>
<td>Oil added to Motor</td>
</tr>
<tr>
<td>PJ 1557</td>
<td>2005</td>
<td>30/07/10</td>
<td>Volvo Grader</td>
<td>7254</td>
<td></td>
<td>New air cleaners, oil</td>
</tr>
<tr>
<td>PJ 1558</td>
<td>2007</td>
<td>30/07/10</td>
<td>Volvo 930 Grader</td>
<td>4090</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1563</td>
<td>1997</td>
<td></td>
<td>Ford New Holland</td>
<td>3666</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1566</td>
<td>2009</td>
<td>Ud Niddan</td>
<td></td>
<td>8574</td>
<td>26889</td>
<td>Windscreen repaired</td>
</tr>
<tr>
<td>PJ 1570</td>
<td>2000</td>
<td></td>
<td>Volvo Grader</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>PJ 1575</td>
<td>2010</td>
<td></td>
<td>Back Hoe</td>
<td>215</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1577</td>
<td>2003</td>
<td></td>
<td>Hitachi Loader</td>
<td>6133</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1578</td>
<td>2004</td>
<td></td>
<td>W/Star Prime Mover</td>
<td>6826</td>
<td>201609</td>
<td></td>
</tr>
<tr>
<td>PJ 1585</td>
<td>2005</td>
<td>8/09/10</td>
<td>Skid Steer</td>
<td>1161</td>
<td></td>
<td></td>
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<tr>
<td>PJ 1527</td>
<td>2009</td>
<td>Ud Niddan</td>
<td></td>
<td>1256</td>
<td>34388</td>
<td>New windscreen</td>
</tr>
<tr>
<td>PJ 1524</td>
<td>2007</td>
<td>1/07/10</td>
<td>Volvo Grader G930</td>
<td>2559</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1551</td>
<td>1996</td>
<td></td>
<td>Ivecio Cement Truck</td>
<td></td>
<td>18241</td>
<td></td>
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<tr>
<td>PJ 1549</td>
<td>2006</td>
<td>Isuzu T/Top 2006</td>
<td></td>
<td></td>
<td>89009</td>
<td>New windscreen</td>
</tr>
<tr>
<td>PJ 1562</td>
<td>2007</td>
<td>6/09/10</td>
<td>Mitsubishi Triton Ute</td>
<td></td>
<td>52926</td>
<td></td>
</tr>
<tr>
<td>PJ 1567</td>
<td>2005</td>
<td>8/09/10</td>
<td>Triton GL Cab</td>
<td>73415</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1568</td>
<td>2007</td>
<td>8/09/10</td>
<td>Toyota Ute</td>
<td>55718</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1569</td>
<td>2007</td>
<td></td>
<td>Triton GL Cab</td>
<td>68571</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1572</td>
<td>2005</td>
<td>14/09/10</td>
<td>Triton GL Cab</td>
<td>82629</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PJ 1574</td>
<td>2008</td>
<td></td>
<td>Hino (Mechanic)</td>
<td></td>
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<tr>
<td>PJ 1535</td>
<td>2008</td>
<td></td>
<td>Tri Axle Low Loader</td>
<td>16700</td>
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<tr>
<td>PJ 1599</td>
<td>2006</td>
<td></td>
<td>Side Tipper</td>
<td>84464</td>
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<td></td>
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<tr>
<td>PJ 6034</td>
<td>2007</td>
<td></td>
<td>Nolist Dolly</td>
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<td></td>
<td></td>
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<tr>
<td>PJ JTLB948</td>
<td>2010</td>
<td></td>
<td>Tandem Trailer</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10103.2 ROAD MAINTENANCE SEPTEMBER 2010

APPLICANT: KEN MARKHAM – WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 4TH OCTOBER 2010
ATTACHMENTS MAP

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

Applicants Submission:
Young rd. McDonald rd.
Koolanooka rd. Liebe rd.
Sutherland rd. Tremlett rd.
Bartlett rd. Avery rd.
Metcalfe 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
### Executive Summary:
Construction work is underway on the Bunjil North East road, which involves reforming and gravelling the majority of the unsealed section of road.

### Applicants Submission:
The reconstruction of Bunjil North East road was included in the 2010/11 road works programme. The budget was set at $211,833 to gravel 8 km of road. The gravel was sourced from the borrow pit at Bunjil and from a pit on Mr Rodney King's property.

High volumes of traffic including grain and lime sand vehicles last season resulted in several failures along the road. Examination of the road concluded that there was no wearing surface and the road required a rebuild.

### 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:
Budget of $211,833 under Council funds.

#### Strategic Implications:
Consultation:
Nil
Comment:
Nil
Voting Requirements:
NIL

Officers Recommendation: NIL
Executive Summary:
Mr Jamie Brack has been appointed as the Shire's mechanic. Mr Geoff Pridham is the Construction Crew Leading Hand, Mr Rob Green as a Leading Hand, Mr Graham Conely has rejoined the Shire as a Plant Operator, Mr Geoff Gard as a Plant Operator and Mr Rick Staines will be filling the grader position left vacant by Mr Laurie Goudge.

Applicants Submission:
Several staff movements have resulted in the Shire having to advertise for new employees. These included the mechanics position, Leading Hand, plant and general hand staff.

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:

Strategic Implications:
Consultation:

Comment: Nil

Voting Requirements:

Officers Recommendation: NIL
The Perenjori Shire Council has a gravel supply policy which needs to be reviewed and there is currently no sand supply policy.

**Applicants Submission:**

The Shire obtains gravel from landowners every year to allow them to carry out the budgeted road programme. This year approximately 58000m³ of gravel is being sourced from various landowners.

With the increased mining activity in the area, some landowners have been paid around $1.50/m³ for gravel whilst the Shire has been paying $0.50/m³. This has created discussions as to the value of gravel and as such some landowners have actually asked for more money for their gravel. The issue of sourcing gravel has been made difficult enough with the introduction of the clearing laws which led to the payment of gravel to landowners in the first place.

The Shire does not currently have a sand supply agreement and have previously sourced sand from various locations including some landowners. An approach to a landowner who had allowed the Shire to source gravel from their property for the current agreed price, mentioned that they where not prepared to sell the sand they had for the same price as the gravel. This has led to the question of what the actual compensation cost for sand should be. It may be that we would need to pay more for the sand than the gravel.

The main reason for bringing this to the attention of the Council is that we have required large amounts of sand for several building projects and it looks like we will need a lot more in the future. The quality of sand around varies and to source good quality for sand pads, we would need to adequately compensate the landowner.

**Background:**

Council policy **3008 – Gravel Supply Policy** states:

**LEGISLATION**

*Section 3.27 of the Local Government Act 1995 addresses particular things Local Governments can do on land that is not Local Government property.*
COST ATTRIBUTION TO WORKS

Gravel used on projects and maintenance will be charged against the job at $2.50 per cubic metre and will be made up as follows:

- $1.90 per cubic metre to cover the cost of having the gravel pushed up;
- $0.10 per cubic metre to a rehabilitation reserve to cover the cost of rehabilitating exhausted pits;
- 50c per cubic metre towards the cost of royalty to landowners.

ACQUISITION GUIDELINES

When seeking to secure access to gravel supplies, the Shire of Perenjori attempt to identify deposits on land that is already cleared. To acquire road building materials on private land the following process will apply:

a) The Chief Executive Officer and/or Works Supervisor shall approach landowners and request permission to search for materials.

b) If suitable materials are located, a written agreement (as attached) is to be reached with the landowner for compensation for materials removed.

c) Payment for road building materials acquired from the landowner will be in accordance with Council’s schedule of payments, which form part of this policy.

d) Should agreement for the removal of road building not be reached with the landowner, procedures to take such materials in accordance with the Legislation detailed in the Local Government Act, 1995 will be considered by Council prior to commencement.

e) Once gravel has been pushed it legally becomes the property of the Shire;

f) Payment for gravel will be in accordance with the measurements undertaken by the Works Supervisor at the time gravel is removed from the property.

COMPENSATION

The Shire will negotiate a price per cubic metre royalty payment with the land holder. The level of royalty payment will depend on the quality of the gravel and ease of access to the pit.

PRIVATE WORKS

Council will not exchange private works for gravel supplies.

Any private works for the landowner will be in accordance with the private works rate and practices set by Council and will be invoiced in the usual way.

BORROW PIT REHABILITATION

The Shire shall rehabilitate borrow pits which are no longer suitable for use.

The following method of rehabilitation is the default standard. The works supervisor may negotiate alternative rehabilitation with the landowner provided the cost is comparable with the default practice.

- Cross rip the pit floor at 1 metre spacing prior to reinstating overburden, etc.
- Level/batter the pit with sides no steeper than a gradient of 1 in 4.
Shire of Perenjori
Ordinary Meeting
MINUTES
21st October 2010

- Reinstate overburden.
- Reinstate topsoil.
- Cross rip again at 1 metre across contours.
- Reinstate stock piled vegetation (if any).

OTHER PROPERTY REHABILITATION

At the time Council is acquiring gravel, it gives an assurance to the landowner that the following matters will be addressed:
- Internal haul roads will be reinstated.
- All fences disturbed will be reinstated.

AGREEMENT

An agreement (copy attached) will be provided to the landowner detailing the following matters:
- Owner’s details.
- Materials required.
- Estimated volume required.
- Locations.
- Compensation
- Additional rehabilitation requirements (other than those listed in the Policy).
- An area for the landowner to sign their consent
- An area for the Shire to accept.

EXCAVATION

All existing internal tracks, where possible, are to be utilised and will be maintained by the Shire for the duration of the works and on its completion.

Excavation is not to encroach any closer than 10 metres from any fence line.

DELEGATED AUTHORITY

The Shire delegates authority to the Chief Executive Officer to implement Council’s Gravel Acquisition Policy.

On Shire Letterhead

The Parties

This Agreement is between:

The Shire of Perenjori (the Shire)

AND

_________________________________________ (The Land Owner)
of __________________________

Whereas the Land Owner will:
Allow the Shire to extract up to ________ m$^3$ of gravel from the Land Owner’s property at _______________ __________________________ (Location)

The Shire will:
1. Clear vegetation, remove and stockpile any topsoil and push up the required gravel supply;
2. If it is necessary to cut a fence to access the gravel, install a swinging gate;
3. If it is necessary for the protection of livestock install appropriate fencing to prevent stock entering the area of the pit;
4. Make available to the Land Owner up to 400 m$^3$ of gravel;
5. Pay to the Land Owner on presentation of a valid tax invoice a royalty of 50c per cubic metre for gravel removed;
6. Consult with the Land Owner before exceeding specified volume;
7. On completion of extraction rehabilitate the area to the satisfaction of the Land Owner

**Agreement**

Signed on Behalf of the Shire by: ________________________________

(Printed Name)

(Signature)

(Date)

Signed on Behalf of the Land Owner by: ________________________________

(Printed Name)

(Signature)

(Date)

Adopted 18th June 2009 - Minute

**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:**

A change in the Gravel Supply Policy could result in an increase in the cost attribution to works as set by the current policy.

Having a policy on sand would allow some clarity and give guidelines to senior staff when dealing with landowners whilst trying to source sand.

**Financial Implications:**

Any increase in the royalty to the landowner will have an effect on the road works programme by increasing the cost of works.

The cost of purchasing sand would hopefully be a set price which would automatically be included in the cost of the proposed project.

**Strategic Implications:**

Consultation: NIL
Comment:
By increasing the royalty payment to landowners for gravel access to a price of say $1.50/m³, this would be a more fair compensation especially when considering the total cost of a road project. This year would have added around $58,000 to the total road works programme.

Having a sand policy would give clear guidelines to senior staff instead of having no written history which in turn could create issues with some landowners being paid more for the same product and upsetting others. Our sand requirements would most probably not reach the same amounts as our gravel needs and so a fair royalty would need to be agreed on.

Voting Requirements:
Simple majority.

Officers Recommendation:
1. That the royalty for the purchase of gravel from landowners be increased to $1.50/m³.

2. That a policy for sand be drawn up along the lines of the gravel supply policy with an agreed set price.

COMMITTEE RECOMMENDATION

Moved: Cr GK Reid Seconded: Cr JR Cunningham
1. That the royalty for the purchase of gravel from landowners be increased to $1.50/m³.

2. That a policy for sand be drawn up along the lines of the gravel supply policy with an agreed set price.

Carried: 7/0

The CEO Stan Scott advised council that item 10103.5 is considered to have an interest in common.

COUNCIL RESOLUTION

Moved: Cr R A Benton Carried: Cr LC Butler
1. That the royalty for the purchase of gravel from landowners be increased to $1.50/m³.

2. That a policy for sand be drawn up along the lines of the gravel supply policy with an agreed set price.

Carried: 7/0
10104 GOVERNANCE

CR J A BENSOP LEFT THE CHAMBERS AT 2.28PM DUE TO DECLARING A PROXIMITY INTEREST

10104.1 APPLICATION FOR PLANNING CONSENT

APPLICANT: L and M Sears

FILE: 0

DISCLOSURE OF INTEREST: 0

AUTHOR: MR DAVE WILLIAMS, SHIRE OF MORAWA

RESPONSIBLE OFFICER: STAN SCOTT – CEO

REPORT DATE: 7TH October 2010

ATTACHMENTS

The applicant has provided detail on the design and is attached for Council’s information.

Executive Summary:

The purpose of this report is for Council to approve the concept design for a 3 bedroom residential Behlen Corr Span building on Lot 117 Russell Street Perenjori.

Applicants Submission:

L and M Sears are seeking Council development approval to construct a 3 bedroom residential Behlen Corr Span building on Lot 117 Russell Street Perenjori.

Background:

The applicant Mr L Sears has been in consultation with the Director of Development Services regarding the design and processes required to obtain Council, Development and Building approval for the concept design. The design is unusual as it is two separate structures with a combined living area of sixty seven square meters (67m²) joined by a veranda. External construction material is also different to cladding normally seen in the construction of framed residences.

Externally and internally the structure will need to comply with the design requirements of the Building Code of Australia 2010.

Statutory Environment:

Development and Planning Act 2005
The Shire of Perenjori Town Planning Scheme Text No.1 1994

Policy Implications:

Nil

Financial Implications:

Fee to Council for planning and building approvals, additional rates as a new dwelling will be built in town.

Total value of the overall project has been estimated at between $75,000-$80,000.

Strategic Implications:

Nil
Consultation:
The Director of development Services has had discussions with the draft person and Behlen Corr Span regarding the building design and material to be used. Mr Sears is also aware he must either apply for an owner builder’s licence or engaged a registered builder for the project.

Comment:
The Shire of Perenjori Town Planning text provides the following objectives for residential zones.
3.2.1 of the scheme objectives provides ‘that use of land in a residential zone shall be consistent to promote and safeguard the health safety convenience, general welfare and the amenities of the area’.
The text also provides that a residential single house is a permitted use in the zone therefore not requiring Council approval (except if the use of the land is likely to impact on the amenity of the area).
The building structure will be constructed in Geraldton and transported to site and fixed to a concrete slab prepared by the builder.
Although the design is different from traditional building practises in the area the proposed building once completed can still be classified as a residential dwelling.
A building licence for the construction of the building and Environmental Health approval for an effluent disposal system will also be required.

Voting Requirements:
Simple Majority

Officers Recommendation:
Approval is granted to L and M Sears to construct a three (3) bedroom residential Behlen Corr Span building on Lot 117 Russell Street Perenjori.

COUNCIL RESOLUTION
Moved: Cr LC Butler Seconded: Cr R P Desmond
That item 10104.1 be referred to the Health and Building Committee meeting due to council requiring further clarification.

Carried: 6/0

CR JOHN A BENSDORP RETURNED TO THE CHAMBERS AT 2.34PM
LOT 117 (#7) 1214m²

LOT 118

LOT 37

PROPOSED RESIDENCE
FLOOR LEVEL MIN 300mm
ABOVE CROWN OF ROAD

RUSSELL STREET

SITE PLAN (1:200)
CR KING ANNOUNCED THAT CR JOHN R CUNNINGHAM IS TO STAY IN THE CHAMBERS BUT IS NOT TO VOTE ON ITEM 10104.2 DUE TO DECLARING AN INTEREST AFFECTING IMPARTIALITY

10104.2 CHANGE OF METHOD OF VALUATION OF MINING VILLAGES

APPLICANT:

FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _______________________
RESPONSIBLE OFFICER STAN SCOTT – CEO _______________________
REPORT DATE: 12 OCTOBER 2010

Executive Summary:
Council may change the method of valuation of some mining related properties to better reflect their actual use.

Applicants Submission:

Karara Mining Limited

Karara Mining Limited is developing two camps for the development of its Karara Iron Ore Project; these are:

- Lochada Construction camp – 300 rooms
- Karara Village – 1350 rooms
- There is a pre-existing exploration village which accommodates 120 people.

These facilities are presently rated as Unimproved Value – Rural for the Lochada Camp, and Unimproved Value - Mining for other two camps.

Discussions with Landgate suggest the following values are likely. Based on Council’s present GRV rate the likely charges are also set out below.

<table>
<thead>
<tr>
<th>Village</th>
<th>Rooms</th>
<th>Est. GRV</th>
<th>Est. GRV Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lochada</td>
<td>300</td>
<td>$702,000</td>
<td>$76,952</td>
</tr>
<tr>
<td>Karara</td>
<td>1350</td>
<td>$3,159,000</td>
<td>$346,283</td>
</tr>
<tr>
<td>Exploration</td>
<td>120</td>
<td>$280,800</td>
<td>$30,781</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$4,141,800</td>
<td>$454,016</td>
</tr>
</tbody>
</table>

Landowners have been advised of the proposed changes.

Background:

At its May Ordinary meeting Council resolved as follows:

That Landgate Property & Valuations be requested to produce technical land descriptions for the four parcels of land being the 3 camps and processing plant at an estimated cost of $4,500; and;
That Council make a submission to the minister for Local Government using the technical land descriptions to change the basis of rates for:

1. Lochada Village
2. Karara Village
3. Karara Exploration Camp

Statutory Environment:

Local Government Act 1995 S6.28 sets out the basis for rates, and S 6.29 provides for specific exclusions for mining activities.

Changing the Method of Valuation of Land – Local Government Operational Guidelines suggest:

Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their district such that rural land is rated on its UV and non-rural land is rated on its GRV.

To this end, local governments should have systems and procedures in place to –

- identify and record any changes in land use;
- review the predominant use of land affected by significant land use changes; and
- ensure timely applications for the Minister’s approval.

Policy Implications: Nil

Financial Implications:

Changing the method of valuation will increase Council’s income by about $475,000 per year. This will eventually have an impact by reducing Council’s FAGS grant income. FAGS grants are determined on a 5 year rolling average, and the Grants Commission assessment assumes Council will collect appropriate rates. If the amalgamation proceeds grant income will be fixed at present levels for 5 years.

Strategic Implications:

Council has an obligation to collect reasonable rates for all landowners.

Consultation:

The Shire wrote to all rate payers affected by the proposed changes.

Karara Mining in its response indicated:

- That there is no provisions in the present agreement with the landowners for Lochada Camp to recover any increase in rates;
- That it is reviewing Shire services to see if these provide adequate justification for the proposed rating regime; and
- Karara reserves the right to make additional submissions.

It would appear that Karara was not expecting this change. It is common practice to apply this methodology to accommodation camps. The CEO and Shire President will meet with Karara to discuss these changes when the opportunity presents itself.

Comment:

Council is obliged to ensure that it rates appropriately. Land rates are not a service charge but a property tax and represent the main form of discretionary income available to Local Governments. When determining Financial Assistance Grant allocations the Local
Government Grants Commission assumes that Local Governments will make reasonable efforts to use rating opportunities.

A recent search of the WA Government Gazette produced the following examples of changes similar to those proposed here:

<table>
<thead>
<tr>
<th>Date</th>
<th>Local Government</th>
<th>Addition to GRV</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Oct 09</td>
<td>Boddington</td>
<td>Boddington Gold Mine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Plant Administration Complex:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Pipeline, Pump Station And Jetty:</td>
</tr>
<tr>
<td>29 Jan 10</td>
<td>East Pilbara</td>
<td>BHP Billiton Iron Ore</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• AREA C MINE VILLAGE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BHP Billiton Iron Ore</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• YANDI MINE VILLAGE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Robe River Mining</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• WEST ANGELAS VILLAGE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Con Zinc Rio Tinto Australia (CRA) / Pilbara Iron</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• YANDICOOGINA VILLAGE</td>
</tr>
<tr>
<td>28 May 10</td>
<td>Leonora</td>
<td>Jaguar Base Metal Project—Jaguar Mine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Jaguar Processing Plant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Jaguar Mine Village</td>
</tr>
</tbody>
</table>

It should be noted that these examples include:

- Processing plant;
- Administration facilities;
- Linear infrastructure – pipeline and pump station.

Discussions with the Department of Local Government indicate that there is some resistance from the mining industry on the inclusion of processing plant, but that GRV on accommodation villages does have wide acceptance.

It is not proposed at this stage to seek GRV Rating on other mine infrastructure, but may be worth considering at some point in the future. This would be informed by the policy position of the government and the other benefits that may or may not emerge from the mining projects.

**Voting Requirements:** Absolute Majority
Officers Recommendation:
That Council requests the Minister for Local Government to add the following to the Shire of Perenjori Gross Rental Value Area:
KARARA IRON ORE PROJECT

Schedule A

Exploration Village
Technical Land Description:
From the NW point (northernmost corner), located at MGA Zone 50 coordinate 478377.6mE, 6773596.1mN
Or
-29 degrees, 9’, 57.801” lat
116 degrees, 46’, 39.5335” long
Travel at a north azimuth bearing of 123° 36’ 54.38” for a distance of 114.4m, then a bearing of 213° 13’ 11.2” for a distance of 164.8m, then a bearing of 304° 16’ 13.07” for a distance of 114.0m, then a bearing of 33° 3’ 29.37” for a distance of 163.5m back to the NW point.

Schedule B

Karara Mine Village
Technical Land Description:
From the NW point, located at MGA Zone 50 coordinate 471143mE, 6771912mN
Or
-29 degrees, 10’, 52.0037” lat
116 degrees, 42’, 11.5508” long
Travel at a north azimuth bearing of 93° 16’ 26.32” for a distance of 879.7m, then a bearing of 184° 53’ 31.4” for a distance of 407.5m, then a bearing of 274° 35’ 40.31” for a distance of 862.4m, then a bearing of 2° 24’ 3.32” for a distance of 387.4m back to the NW point.

Schedule C

Lochada Mine Village
Technical Land Description
From the NW point, located at MGA Zone 50 coordinate 440373mE, 6769027mN
Or
-29 degrees, 12’, 21.8681” lat
116 degrees, 23’, 11.7538” long
Travel at a north azimuth bearing of 88° 24’ 59.71” for a distance of 213.2M, then a bearing of 180° 17’ 53.57” for a distance of 207.1m, then a bearing of 270° 17’ 54.92” for a distance of 214.1m, then a bearing of 0° 35’ 8.14” for a distance of 200.1m back to the NW point.
COUNCIL RESOLUTION

Moved: Cr CM Johnston
Seconded: Cr LC Butler

That Council requests the Minister for Local Government to add the following to the Shire of Perenjori Gross Rental Value Area:

KARARA IRON ORE PROJECT

Schedule A

Exploration Village

Technical Land Description:

From the NW point (northernmost corner), located at MGA Zone 50 coordinate 478377.6mE, 6773596.1mN

Or

-29 degrees, 9’, 57.801” lat
116 degrees, 46’, 39.535” long

Travel at a north azimuth bearing of 123d 36’ 54.38” for a distance of 114.4m, then a bearing of 213d 13’ 11.2” for a distance of 164.8m, then a bearing of 304d 16’ 13.07” for a distance of 114.0m, then a bearing of 33d 3’ 29.37” for a distance of 163.5m back to the NW point.

Schedule B

Karara Mine Village

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Travel at a north azimuth bearing of 93d 16’ 26.32” for a distance of 879.7m, then a bearing of 184d 53’ 31.4” for a distance of 407.5m, then a bearing of 274d 35’ 40.31” for a distance of 862.4m, then a bearing of 2d 24’ 3.32” for a distance of 387.4m back to the NW point.

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Travel at a north azimuth bearing of 88d 24’ 59.71” for a distance of 213.2m, then a bearing of 180d 17’ 53.57” for a distance of 207.1m, then a bearing of 270d 17’ 54.92” for a distance of 214.1m, then a bearing of 0d 35’ 8.14” for a distance of 200.1m back to the NW point.

Carried: 6/0
Executive Summary:
Council may change the method of valuation of some mining related properties to better reflect their actual use.

Applicants Submission:
Mount Gibson Mining

Mount Gibson Mining is developing a private rail siding 2 km South of Perenjori. It is proposed to change the method of valuation for this facility at the same time as the Karara Villages. Advice from Landgate suggests a valuation in the order of:

<table>
<thead>
<tr>
<th>Estimated GRV</th>
<th>Rate Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Siding</td>
<td>$223,500</td>
</tr>
</tbody>
</table>

Mount Gibson was advised of the proposed changes and has objected.

Background:
At its May Ordinary meeting Council resolved to obtain technical land descriptions for the Karara Mining Villages. Landgate was also requested to provide GRV valuations, and the request included that for the Mount Gibson Rail Siding.

Statutory Environment:
Local Government Act 1995 S6.28 sets out the basis for rates, and S 6.29 provides for specific exclusions for mining activities.

Changing the Method of Valuation of Land – Local Government Operational Guidelines suggest:

- Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their district such that rural land is rated on its UV and non-rural land is rated on its GRV.
- To this end, local governments should have systems and procedures in place to –
  - identify and record any changes in land use;
  - review the predominant use of land affected by significant land use changes; and
  - ensure timely applications for the Minister’s approval.

Policy Implications: Nil
Financial Implications:
Changing the method of valuation will increase Council’s income by about $475,000 per year. This will eventually have an impact by reducing Council’s FAGS grant income. FAGS grants are determined on a 5 year rolling average, and the Grants Commission assessment assumes Council will collect appropriate rates. If the amalgamation proceeds grant income will be fixed at present levels for 5 years.

Strategic Implications:
Council has an obligation to collect reasonable rates for all landowners.

Consultation:
Mount Gibson Iron questioned how we arrived at the valuation and advice has been provided on the valuation process. Subsequently Mount Gibson Iron wrote to the Shire objecting to the proposed change on the following basis:

We wish to lodge our objection to this determination for Locations Victoria 4769 and 6318 for the reasons discussed below.

- This change of method of valuation appears to have been made on the determination the land is “used predominantly” for non rural purposes. This is not correct.
  The total area for these two locations equals 436 hectares whereas the total area disturbed by the Rail Siding equates to 29 hectares or 6.6% of the total area. The remaining land remains unimproved and will remain as primary agricultural land.

- MGM’s Perenjori Rail Siding is located on established Mining Tenements (ie General Purpose Leases G70/232 and G70/238) and Section 6.29 of the Local Government Act 1995 establishes that Mining Tenements shall be classified UV.

- Further to the above the Department of Minerals and Petroleum has determined that MGM must lodge performance bonds for mining works associated with that part of the mining process to be carried out on General Purpose Leases G70/232 and G70/238.

- The rail siding at Perenjori is an integral part of the overall Extension Hill mining process (refer to the Extension Hill Mining Proposal and Project Management Plan) and as such should not be classified as non mining infrastructure and subject to rates on a GRV basis

Mount Gibson’s objections do raise valid considerations and these will be dealt with point by point below:

Predominant use:
Mount Gibson suggests that only a portion of the lots are used for the rail siding and that the majority of the land in those lots remains rural. It is possible to provide a split valuation where part of a location is rated for one predominant use and the remainder as another. We could request from Landgate a technical land description to cover only the rail siding, with the remainder of the locations to continue to be rated as rural Unimproved Value.

The final outcome for Mount Gibson is Likely to be a higher rather than a lower rate as the GRV assessment was based on the details of the infrastructure to be installed rather than area of land involved.

Mining Tenements
Mount Gibson correctly point out that Section 6.29 (2) of the Local Government Act provides that mining tenements will be rated as unimproved value except if the Minister makes a determination under 6.29(3) that it will be rated as Gross Rental Value. The purpose of Section 6.29 (2) is to protect mining infrastructure from GRV.
General Purpose Leases allow a range of approvals to be made by the Department of Minerals and Petroleum rather than other agencies. It was not intended that the use of general purpose leases would protect all downstream infrastructure from paying a fair and equitable rate.

Detailed below are recent examples of properties added to GRV for other local governments. Some of these additions seem far more proximate to the mining process that a rail siding 85 kilometres from the mine site.

It should be noted that these examples include:

- Processing plant;
- Administration facilities;
- Linear infrastructure – pipeline and pump station.

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<td>• Jaguar Processing Plant</td>
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<td></td>
<td>• Jaguar Mine Village</td>
</tr>
</tbody>
</table>

Comment:

Council is obliged to ensure that it rates appropriately. Land rates are not a service charge but a property tax and represent the main form of discretionary income available to Local Governments. When determining Financial Assistance Grant allocations the Local Government Grants Commission assumes that Local Governments will make reasonable efforts to use rating opportunities.

In deference to Mount Gibson’s objection Council may opt to obtain a technical land description for that portion of the lots that will be used for the rail siding and separately rate the rail siding and the balance of the area.

Voting Requirements:

Absolute Majority

Officers Recommendation:

That Council requests that Landgate prepare a technical land description for the rail siding and provide separate valuations for the rail siding and the balance of the lots;

That on receipt of the above information that Council request that the Minister for Local Government add the rail siding to the Shire of Perenjori Gross Rental Value Area:

That the CEO write to Mount Gibson setting out Council’s decision and the reasons for it.
COUNCIL RESOLUTION

Moved: Cr CM Johnston  Seconded: Cr JR Cunningham

That Council requests that Landgate prepare a technical land description for the rail siding and provide separate valuations for the rail siding and the balance of the lots;

That on receipt of the above information that Council request that the Minister for Local Government add the rail siding to the Shire of Perenjori Gross Rental Value Area:

That the CEO write to Mount Gibson setting out Council’s decision and the reasons for it.

Carried: 7/0
30 September 2010

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

Dear Stan

RE:  CHANGE OF METHOD OF VALUATION – PERENJORI RAIL SIDING

We acknowledge receipt of your letter dated 20th September 2010 with regard to the change in method of valuation for the Perenjori Rail Siding for Mount Gibson Mining Limited ("MGM").

We wish to lodge our objection to this determination for Locations Victoria 4769 and 6318 for the reasons discussed below.

- This change of method of valuation appears to have been made on the determination the land is “used predominantly” for non rural purposes. This is not correct.

  The total area for these two locations equals 436 hectares whereas the total area disturbed by the Rail Siding equates to 29 hectares or 6.6% of the total area. The remaining land remains unimproved and will remain as primary agricultural land.

- MGM’s Perenjori Rail Siding is located on established Mining Tenements (ie General Purpose Leases G70/232 and G70/238) and Section 6.29 of the Local Government Act 1995 establishes that Mining Tenements shall be classified UV.

- Further to the above the Department of Mines and Petroleum has determined that MGM must lodge performance bonds for mining works associated with that part of the mining process to be carried out on General Purpose Leases G70/232 and G70/238.

- The rail siding at Perenjori is an integral part of the overall Extension Hill mining process (refer to the Extension Hill Mining Proposal and Project Management Plan) and as such should not be classified as non mining infrastructure and subject to rates on a GRV basis.

We thank you for the consideration of our submission.

If you wish to discuss any of the above please do not hesitate to call me.

Yours sincerely

DAVID QUINLIVAN
Chief Executive Officer

Encl:  1. Clearing Area and Boundary Details Sheet 1 and 2 of 2 Drawings
Executive Summary:
Council is being asked to:

a) Appoint an elected member and the CEO to represent Council on the Mid West Local Governments Services Agreement Governance Team,

b) Authorise the President and Chief Executive Officer to sign and to apply the Common Seal to the Mid-West Local Governments Services Agreement with Main Roads WA, and

c) Nominate the CEO of the Mid West Regional Council as (the single point of contact), their parties’ representative.

Applicants Submission:
In accordance with the MOU, Main Roads and the Local Governments, assisted by the Mid-West Regional Council have carried out extensive negotiations and finalised an agreement which is now ready for execution. The Agreement reflecting the terms and conditions agreed between Main Roads and the Local Governments has been provided to members under separate cover.

The Governance Team
Clause 3 of the Agreement refers to a Governance Team whose primary function is to ensure that the Agreement is implemented and managed as smoothly and efficiently as possible. The team will be comprised of 2 Main Roads personnel and 6 nominees from the Councils. The Local Governments will be required to have a combination of 3 Elected Members and 3 CEO’s at each meeting.

Councils are required to appoint one person (by name) and the CEO to represent their Council on the Governance Team.

Regular meetings will be held on a monthly basis initially and then on a quarterly basis.

Consultation will take place prior to the meetings to ensure the required quantum of 3 Elected Members and 3 CEO’s attend.

Parties Representative
Under Clause 1.4 both Main Roads and the Local Governments are to perform their obligations through a single representative. This person is to be appointed in writing by each Local Government and may be changed by giving notice in writing to Main Roads.
Given Mid-West Regional Council has fulfilled this role from the onset; I am suggesting that the CEO of the Mid West Regional Council be nominated as the Local Governments single representative.

Background:
Over the past 2 years, Mid-West Regional Council, Main Roads and the participating council representatives have held discussions in an attempt to reach agreement as to the manner in which the Local Governments may be involved in the performance of road asset management services on portions of Main Roads’ road network.

On 22 February 2010, Main Roads and the Local Governments entered into a memorandum of understanding (MOU) under which Main Roads and the Local Governments undertook to negotiate, agree, finalise and execute an agreement under which the Local Governments will:

- perform certain of the road asset management services in respect of portions of Main Roads’ road network; and
- be given status as a potential performer of minor construction and rehabilitation works on Main Roads’ road network and be offered opportunities to undertake these works in accordance with Main Roads’ delivery strategy for its road network.

Statutory Environment:

Governance Team Representative
I have attached to the agenda item as Appendix I an extract from the Mid-West Local Governments Service Agreement - Schedule 3 Roles and responsibilities of the Governance Team, to assist with deliberation on the nomination of a suitable representative from each Local Government.

Clause 3.3 of the Mid West Local Governments Service Agreement requires the Governance Team to be comprised of 2 representatives appointed by Main Roads and 1 representative appointed by each of the Councils. Each meeting is to be attended by 3 elected members and 3 CEO’s.

Section 5.9 subsection 2 (c) of the Local Government Act 1995 specifies a committee may comprise council members, employees and other persons.

Section 5.10 subsection 1 (a) of the Local Government Act 1995 provides for the appointment of committee members. If the council is to appoint a council member or employee to a committee and the president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the president.

The Agreement

Clause 11.2 Mid-West Local Governments Services Agreement requires each Local Government to comply with all statutory requirements applicable to the performance of the Services, including obtaining and complying with all authorisations necessary to enter into this Agreement and to perform the Services. The Local Governments must obtain all authorisations relevant to the services prior to performing the Services.


1. A document is duly executed by a local government if —
   a. the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
   b. it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

2. The common seal of a local government is not to be affixed to any document except as authorised by the local government.
(3) The common seal of the local government is to be affixed to a document in the presence of —
   (a) the mayor or president; and
   (b) the chief executive officer or a senior employee authorised by the chief executive officer,
   each of whom is to sign the document to attest that the common seal was so affixed.

(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Parties’ Representative

Clause 1.4 (b) of the Mid West Local Governments Services Agreement requires the Local Governments to appoint in writing a single representative through which to perform their obligations. Main Roads will provide assistance to ensure the Local Governments’ representative can perform its obligations. The Local Governments may change their representative at any time by giving joint notice in writing to Main Roads.

Policy Implications:

Management plans, policies and procedures will be developed as required to fulfil the requirements of the delivery of Services under the Agreement.

Financial Implications:

Monitoring and management of cash flows will be required by the Local Governments and MWRC.

Local Governments will receive reimbursement for Direct Costs and payment of Overheads through the following process. The Overheads for the year are to be estimated and apportioned over the 12 month period with the 12 month being a balancing month when over or under actual costs are reconciled and billed accordingly. The Direct Costs will be reimbursed on a monthly basis through the certification process of Main Roads.

Mid-West Regional Council is to be billed by the Councils monthly and will issue a monthly account to Main Roads. On receipt of payment from Main Roads, MWRC will disburse the funds to the Councils. This will be a cost neutral effort as Councils will code the MWRC cost as an overhead which is in turn recouped from Main Roads (monthly). Cost to provide this service will be contingent on volume of work.

Strategic Implications:

Local Government restructure will have minimal impact as the Agreement is a legally binding contract and any newly created Local Authority will inherit from the shires and be obliged to honour any existing contracts.

In the event of a change with MWRC, there is scope in the Agreement for a variation and alternative arrangements would be made for the single point of contact (Parties Representative) and the payment procedures.

Consultation:

Main Roads WA representatives and consultants, Local Government CEO’s and Work’s Managers, Greenfield Technical Services, Paul Breman - UHY Haines Norton, John Woodhouse - Woodhouse Legal, Anthony Quahe - Civic Legal.

Comment:

Agreement Summary:

Clause 2 Undertakings & Commitments
The Agreement commits parties to take a “Best for Network” approach at all times and to establish a culture based on agreed principles. This clause sets out the principles and the obligations both parties are committing to.

Clause 3, Clause 4 and Schedule 3 - Governance Team & Joint Process Management Team

Refer to Schedule 3 (Appendix I) Structure Plan.

The Governance Team will be comprised of 2 Main Roads representatives (Regional Manager and 1 other) and a representative from each Council (3 President’s and 3 CEO’s).

Responsibilities of the Governance Team will be:

a) Strategic Planning and Leadership,
b) Governance,
c) Facilitate Outstanding Performance, and
d) Communication and Reporting

The Joint Process Management Team will comprise nominated personnel from both Councils and Main Roads who must be approved by the Governance Team. Roles and responsibilities of the Joint Process Management team will be:

a) Develop the Annual Works program,
b) Develop the Management Plan,
c) Manage the transition from the current arrangement under the TNC to the performance of the services by Local Governments,
d) Oversee the integration of Local Government and Main Roads processes and systems,
e) Monitor performance of the Services by Local Governments, and
f) Identify opportunities for improvement in Service delivery and ensure the improvements are implemented.

Clause 5 - Term

The initial term is for a period of 5 years with a strategic review by the Governance Team commencing 16 months prior to expiry. The Governance team has 3 months in which they must provide a report to the Local Governments and Main Roads recommending:

a) Increase or decrease to scope of services,
b) Extension of the term and period by which it is to be extended, or
c) Termination of the agreement, and / or
d) Additional Local Government / s be included in the agreement

The term may not be extended beyond 10 years.

Clauses 6 to 11 and Schedule 6 – Services & Plant

By 31st March each year, Main Roads will notify the Joint Process Management Team the amount of funds allocated to the performance of the Services and the Joint Process Management Team is to develop the Annual Works Program for the next Financial Year.

Although the Agreement does not specify, the Annual Works Program will be developed in conjunction with and to integrate with each Local Governments annual works program in order to ensure sufficient resources for delivery of the services. There will be opportunities here for increased efficiencies and effectiveness through working collaboratively with the Local Governments, Main Roads and the Network Provider. (e.g. bitumen seals)

Main Roads may offer to the Local Governments, Minor Improvement Works to be carried out. The Local Government may, (with the prior approval of Main Roads) subcontract out this work.

The Local Governments will provide all of the Plant necessary to provide the Services and purchase new plant in consultation with the Process Management team.

Schedule 6 sets out the specifications relevant to the performance of the Services under the Agreement.
Shire of Coorow – Roadside Rubbish Collection Services

A rubbish collection crew is to be provided by the Shire of Coorow with a purpose built unit, the configuration and design of the unit is yet to be agreed between the parties.

*The extent of the rubbish collection service is commensurate with available funding and will be defined in the Annual Works Program. Early indications are approximately $75,000 per annum may be available for this service therefore the level of service is yet to be determined.*

Shires of Coorow and Perenjori – 2 x Maintenance Teams

The Shires of Coorow and Perenjori will provide two purpose built maintenance trucks to be based at Leeman and Perenjori respectively to perform routine maintenance works under this Agreement. The personnel to man the road maintenance trucks will be engaged by the Shires of Coorow and Perenjori and will be based in Leeman and Perenjori respectively.

Within 12 months, the Parties must review the effectiveness and efficiency of having two purpose built road maintenance trucks and if the Parties determine that additional road maintenance capacity is required, further discussions will be held in respect of the most appropriate manner to provide any additional capacity to deliver the Services under this Agreement.

Shires of Mingenew and Morawa – 2 x Road Inspectors

The Local Governments will employ two full time road inspectors to perform the road inspections of the Network. The road inspectors will be provided with appropriate vehicles, equipment, training and direction.

One of the road inspectors is to be employed by and based in the Shire of Mingenew. The other road inspector will be employed by and based in the Shire of Morawa.

The road inspectors will receive directions from a Main Roads’ appointed network manager who is to have regular contact with and support the performance of the road inspections.

*(A communications plan is to be developed to ensure the Local Government Work’s Managers are included and consulted).*

Main Roads will provide the equipment and systems required to enable the road inspectors to provide information to Main Roads on the results of the road inspections performed.

Planning of Services (Routine road maintenance)

The Network Manager and the road inspectors will make a significant contribution into the programming phase for the Services under this Agreement.

Clause 12 and Schedule 7 – Payments & Procedures for Payment

Main Roads will reimburse direct costs and pay overheads to the Local Governments for the Services.

Local Governments will provide supported monthly accounts to MWRC for the work carried out and MWRC will compile and submit a monthly account to Main Roads. Any cost involved in this service being delivered by Mid-West Regional Council will be recovered from Main Roads by the Local Governments as an overhead component.

*MWRC will arrange workshops between Main Roads and Local Government finance staff to ensure the costing methods and the capture of the information required is consistent with Main Roads requirements.*

Clause 13 – Reports, Record etc.

The Joint Process Management team must supply a monthly report to Main Roads comparing the actual and forecast performance of the services against the Annual Works Program.
The Joint Process Management Team has responsibility for maintaining all invoices, accounts, records etc. in relation to the services provided. Main Roads or their auditor has the right to audit records and information held by the shires in relation to the Service Delivery.

Clause 14 and 15 - Insurance

Both parties are responsible for insuring their own risks. Any excesses of insurance claims relative to the Service Delivery will be a Direct Cost and reimbursable by Main Roads.

Clause 19 - Dispute Resolution

This clause provides a procedure for the resolution of any disputes should they arise.

**Voting Requirements:**

Absolute majority

**Officers Recommendation:**

Council resolve to:

a) Appoint Cr Chris King (the Shire President) as Council's primary representative on the Mid West Local Governments Services Agreement Governance Team, and

b) Appoint Mr Stan Scott (the Chief Executive Officer), as Council’s representative on the Mid West Local Governments Services Agreement Governance Team, and

c) Authorise the President and Chief Executive Officer to sign and to apply the Common Seal to the Mid-West Local Governments Services Agreement with Main Roads WA, and

d) Nominate (in writing) S Ward, CEO of the Mid West Regional Council as their parties’ representative.

**COUNCIL RESOLUTION**

Moved: Cr RP Desmond 
Seconded: Cr JR Cunningham

Council resolve to:

a) Appoint Cr Chris King (the Shire President) as Council's primary representative on the Mid West Local Governments Services Agreement Governance Team, and

b) Appoint Mr Stan Scott (the Chief Executive Officer), as Council’s representative on the Mid West Local Governments Services Agreement Governance Team, and

c) Authorise the President and Chief Executive Officer to sign and to apply the Common Seal to the Mid-West Local Governments Services Agreement with Main Roads WA, and

d) Nominate (in writing) S Ward, CEO of the Mid West Regional Council as their parties' representative.

Carried: 7/0
Schedule 1

Schedule 3 - Agreed Principles, governance structure, Governance Team and Joint Process Management Team

1 Agreed Principles

- All representatives of the Parties on the Governance Team must act fairly, reasonably and honestly at all times and are to lead by example.
- Each Party’s representatives on the Governance Team and the Joint Process Management Team must respect and support one another in performing their roles and responsibilities under this Agreement.
- The Governance Team is to perform its roles and responsibilities under this Agreement with a strategic focus.
- Communication is to be direct, open, honest and timely.
- The Parties are to act with a sense of urgency at all times.
- The Parties are to acknowledge and celebrate achievements and outstanding performance under this Agreement.
- The Governance Team will use best endeavours to resolve any Disputes promptly and without escalation.
- Loyalty is to be displayed in respect of any decisions made by the Governance Team.
- A culture of learning and continuous improvement is to be created.
- Governance structure
2 Governance structure

2 Roles and responsibilities of Governance Team

2.1 Roles of Governance Team

The roles of the Governance Team are to:

(a) provide strategic leadership and governance under this Agreement;

(b) facilitate outstanding performance under this Agreement and the achievement of the Network Objectives and Agreement Objectives, including resolving any barriers to outstanding performance and the achievement of those objectives; and

(c) foster effective communication between:

(1) Main Roads and the Local Governments under this Agreement; and

(2) the Parties and external stakeholders in respect of the performance of the Services and this Agreement.

2.2 Responsibilities of Governance Team

The responsibilities of the Governance Team are as follows.

(a) Strategic leadership
(1) Drive the strategic direction of this Agreement, including providing guidance to
the Joint Process Management Team and monitoring its performance
under this Agreement.

(2) Provide leadership that drives outstanding performance under this
Agreement, while encouraging the resourcefulness and the enthusiasm
of the personnel of the Parties involved in this Agreement.

(3) Foster a sustainable culture which is consistent with the Agreed Principles.

(4) Communicate this Agreement’s intent, objectives and strategies to the
personnel of the Parties involved in this Agreement and to external
stakeholders.

(5) Undertake strategic reviews of this Agreement in accordance with clause 17.

(b) Governance

(1) Develop a governance plan in accordance with clause 3.5.

(2) Ensure that risks in respect of this Agreement have been identified, assessed
and are being properly managed under this Agreement.

(3) Ensure a high standard of corporate governance practice and promote ethical
and responsible decision making.

(4) Endeavour to resolve any Disputes that are referred to it under this
Agreement.

(c) Facilitate outstanding performance

(1) Develop and foster strong and effective relationships between the Parties to
facilitate outstanding performance under this Agreement and the
achievement of the Network Objectives and Agreement Objectives.

(2) Monitor and assess performance under this Agreement, including against the
Network Objectives (and key performance indicators for those objectives)
and Agreement Objectives.

(3) Provide guidance on any corrective action when assessing performance
under this Agreement.

(4) Make recommendations to the Parties where action external to this
Agreement may assist in improving performance under this Agreement.

(5) Recommend to the Parties any changes to the key performance indicators for
the Network Objectives.

(6) Foster learning and development and the adoption of knowledge
management principles.

(7) Ensure resources are available to achieve the Network Objectives and
Agreement Objectives.

(8) Promote the effective use of data and information for evidence based decision
making.

(d) Communication and reporting

(1) Foster and actively engage in effective two-way communication within this
Agreement and with external stakeholders.

(2) Monitor the adequacy and integrity of performance, financial and other
reporting under this Agreement.

(3) Review any information provided to it under this Agreement.

Provide information, advice and reports to Main Roads and the Local Governments in
respect of the performance by the Local Governments of the Services under this Agreement.

(a) Other
Perform any other responsibilities determined by the Parties from time to time.

2 Representatives of Governance Team

[To be inserted]

3 Roles and responsibilities of Joint Process Management Team

The roles and responsibilities of the Joint Process Management Team are to:

(a) develop the Annual Works Program in accordance with clause 7;
(b) develop the Management Plan in accordance with clause 11.6;
(c) manage the transitioning from the existing arrangements under which the Services are performed under the TNC to the performance of the Services by the Local Governments under this Agreement by overseeing the implementation of the transition plan for this Agreement;
(d) oversee the integration by the Local Governments of those processes and systems of the Local Governments which are required for the performance of the Services under this Agreement with the processes and systems of Main Roads;
(e) monitor the performance of the Services by the Local Governments against the Annual Works Program and the other requirements of this Agreement;
(f) identify opportunities for improvement by the Local Governments in performing the Services and ensure that those opportunities are implemented by the Local Governments; and
(g) any other roles and responsibilities determined by the Governance Team from time to time
10104.5 ANNUAL DELEGATIONS REGISTER REVIEW

**APPLICANT:** SHIRE OF PERENJORI  
**FILE:** 0  
**DISCLOSURE OF INTEREST:** 0  
**AUTHOR:** STAN SCOTT - CEO  
**RESPONSIBLE OFFICER:** STAN SCOTT - CEO  
**REPORT DATE:** 14 October 2010  
**ATTACHMENTS** DELEGATIONS REGISTER

**Executive Summary:**
The Local Government Act requires that the Delegations register be reviewed at least once every financial year.

**Applicants Submission:**
The Shire of Perenjori has power under the Local Government Act, 1995 (Act) to delegate to the Chief Executive Officer the exercise of any of its powers, or discharge of any of its duties under the Act, in order to facilitate and manage the “day to day” operations of the Council.

The Act allows the CEO to delegate any of his/her powers to another employee; such sub-delegations must be done in writing and can be sub-delegated with conditions. Amendments made were only in relation to name changes and staff changes.

**Background:**
The last review took place on the May 2009. The absence of a review on 2009/10 was picked up by the auditors.

**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.

In accordance with Section 5.46(2) of the *Local Government Act 1995* delegations made under the Act must be reviewed at least annually by the Delegator (i.e. Council).

Section 5.42 of the Act states any decision to amend or revoke a delegation by a local government is to be by an **Absolute Majority**.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:**
Delegations to the CEO (and subsequent sub-delegations) ensures the “day to day” operations of the Council are streamlined and efficient.

**Consultation:** Nil

**Comment:** Nil

**Voting Requirements:** **Absolute Majority.**

**Officers Recommendation:**
Council affirm the list of delegations as presented.
COUNCIL RESOLUTION

Moved: Cr JA Bensdorp  
Carried: Cr CM Johnston

Council affirm the list of delegations as presented.  

Carried: 7/0
10104.6 LOCAL GOVERNMENT REFORM

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 14 OCTOBER 2010
ATTACHMENTS Executive Summary – Report of the Local Government Reform Steering Committee

Executive Summary:
Members of the Structural Reform Working Group met on with Minister Castrilli, and the DG of the Department of Local Government in Geraldton on 6th October 2010. A Leaders forum has been arranged for 20th October 2010 and any outcomes of that forum will be reported to Council.

Applicants Submission:
There have been a range of developments in the Local Government Reform process as it applies to the four shires:

Voting Enrolments
The necessary forms for ratepayers who are on the electoral roll elsewhere to enrol and vote have been prepared and are held at the Latham Post Office and the Shire Office in Perenjori. At the request of the president there will be a general mail out to ratepayers. To be valid electoral enrolment applications must be lodged more than 50 days prior to any poll. To date there have only been 2 additions to the Owners and Occupier’s roll.

Business Planning
The five consultancies for developing aspects of the business plan have all been completed and are available on the Council websites as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Consultant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic / Governance</td>
<td>Morrison Lowe</td>
</tr>
<tr>
<td>Asset Management</td>
<td>Morrison Lowe</td>
</tr>
<tr>
<td>Human Resource Management</td>
<td>Risk ID</td>
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<tr>
<td>Records / Data</td>
<td>Not allocated</td>
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<tr>
<td>Financial planning</td>
<td>UHY Haines Norton</td>
</tr>
<tr>
<td>Rates and Grants Modelling</td>
<td>Ray Hadlow (Maunsell)</td>
</tr>
</tbody>
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A summary business plan is being developed to draw together all the elements of the plans into a single summary document.
Local Government Advisory Board
The Local Government Advisory Board held public hearings in the region during the week commencing 23 August 2010. Attendance at the Perenjori hearing on 25 August was close to 90 people, more than the other 3 meetings combined.

Reform Advertising
The Department of Local Government has started a low key advertising campaign. The ads have appeared in The West Australian and will appear in the Geraldton Guardian and Mid-West Times.

Copies of press advertisements are set out below:
The LGMA is writing to the Department to object to some of the content of the advertisements.

As an aside, local bumper stickers are appearing promoting a message of “Say No to Amalgamation.”

**Meeting with Minister Castrilli**

Members of the Structural Reform Working Group met on with Minister Castrilli, and the DG of the Department of Local Government in Geraldton on 6th October 2010. The SRWG
provided honest feedback on the process to date including community feedback and the performance of the Local Government Advisory Board.

**Local Government Leaders Forum**

CEO’s and Presidents from each of the local governments that are participating in the reform process have been invited to attend a forum in Perth. There will be a significant representation from other stakeholders as well.

**Steering Committee Report**

The Report of the Local Government Reform Steering Committee has been released. The introduction to the report says in part:

*The committee was appointed by the Minister for Local Government to lead the reform process. The objectives of the Steering Committee were to ensure that:*

- By August 2009* all local governments have made an informed decision on voluntary amalgamation.
- By August 2009* all local governments have decided the number of councillors required within a range of six to nine.
- Local identity and community representation is maintained under a new governance model.
- Local governments explore membership of appropriate regional groupings.
- By September 2009 initial proposals for legislation changes made by the Legislative Reform Working Group are considered and final recommendations made to the Minister.
- By December 2009 final proposals for amending legislation are completed.
- In addition to the structural reform being sought, the need for capacity building was identified as a significant priority.

**Capacity building initiatives aim to deliver:**

- long term strategic planning, including asset and financial management and workforce planning, across the local government sector;
- greater ability of local government to attract and retain skilled staff;
- enhanced skills and competency of elected members and staff;
- greater community representation including consideration of community-based committees and strengthened local community identity;
- legislative amendments to facilitate local government sustainability, including options for local governments to form corporate entities;
- options to reduce town planning and building licence approvals time; and
- greater encouragement of a diverse range of citizens to stand for council.

The Executive Summary of the Steering Committee Report is included in this month’s attachments. The Steering Committee Report made 22 recommendations. Most of the recommendations have support across the sector. There were however some recommendations that were more controversial. The contested recommendations are as follows:

*Recommendations to Further Progress Reform*
2. Consider options for targeted Government intervention, including through proposals to the Local Government Advisory Board for major boundary adjustments, and/or legislation to trigger reform activity in critical areas for reform including, but not limited to, the following areas:
   a. Western Suburbs of Metropolitan Perth
   b. Fremantle area
   c. Bassendean / Bayswater
   d. Geraldton area
   e. Narrogin area
   f. Northam area
   g. Katanning area
   h. Bunbury area
   i. Mandurah area  [Majority endorsement]

3. Consider the following legislation options to facilitate the implementation of Recommendation 2:
   a. Remove the poll provisions from the Local Government Act 19954;
   b. Retain the poll provisions, but amend so that poll is of all affected districts and votes combined;
   c. Retain the poll provisions, but amend so that poll is of all affected districts and votes averaged;
   d. Introduce specific restructuring legislation.  [Majority endorsement]

4. To ensure the ongoing reform of the local government sector initiate legislation for the appointment of an independent panel of three specialist persons to review local government boundaries every eight years.  [Majority endorsement]

8. Initiate amendments to legislation to change the prescribed number of elected members to between six and nine.  [Majority endorsement]

22. Endorse removal of provisions regarding a referendum to be held prior to a council changing the way a Mayor is elected and being replaced with a requirement for an absolute majority decision of council.  [Majority endorsement]

It appears that future structural reform proposals may operate under different rules.

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:
Comment:
The Local Government Reform Agenda continues to take up significant time. Latest activities surround the following:

- Engagement of a communication consultant to ensure communities are fully informed;
- More work on strategic planning to identify the aspiration goals – not just the business as usual. Work has been done on the vision for the new Shire but this has not translated into clear goals and strategies in the plans.
- Feeding planning information into the TRG template developed by the department;
- Identifying opportunities for incentives rather just cost covering from the State Government.
- More work on the future methodology for the WALGGC.

It appears that if a compelling case in favour of amalgamation does not emerge in the next few weeks there is sufficient concern in the Perenjori community for a successful no amalgamation campaign.

The reporting timelines for the LGAB are unclear. The Minister seems to think their report is imminent but the SRWG has received advice that they may not report until February.

Voting Requirements:
Simple Majority

Officer's Recommendation:
That Council notes the continued developments, and considers a verbal report from the CEO of the results of the Leader's Forum.

COUNCIL RESOLUTION:
Moved: Cr JR Cunningham  Seconded: Cr RA Benton

That Council notes the continued developments, and considers a verbal report from the CEO of the results of the Leader's Forum.

Carried: 7/0
Minister for Local Government, Heritage; Citizenship and Multicultural Interests

Our Ref: M1002316

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

Dear Mr Scott

FORUM ON LOCAL GOVERNMENT REFORM

I invite your local government to be represented at a Leaders Forum of Elected Members and Chief Executive Officers (CEOs) of local governments that have taken a leadership position on the reform of local government. The forum will be conducted on Wednesday, 20 October 2010.

I hope that two representatives from your local government can attend and suggest they be the Mayor or President and the CEO.

The forum will provide a great opportunity for you and your colleagues from around the State to share your experiences with reform to date. It is also an opportunity to raise suggestions, concerns or any issues associated with reform that your local government may have already encountered or anticipate arising in the future.

My Department of Local Government, supported by the Western Australian Local Government Association (WALGA) and Local Government Managers Australia WA Division (LGMA WA), will be listening and noting the comments and suggestions to assist our efforts to improve the way we proceed with this essential reform program.

A number of stakeholders have been invited as observers to the forum, these include the Chairman, Local Government Grants Commission; Chairman, Local Government Advisory Board; Members of the Reform Implementation Committee; Members of Reform Working Groups; Members of WALGA State Council; Members of LGMA WA State Executive; and a representative from the Department of Planning, Chamber of Commerce and Industry and the Australian Centre for Excellence in Local Government.
Venue: Tompkins on Swan Function Centre, Canning Highway (corner of Dunkley Ave), Alfred Cove

Date: 8:30am – 3:00pm, Wednesday, 20 October 2010

Refreshments: Morning tea and lunch provided

To register your attendance, please contact Ms Emma Dickinson, at the Department of Local Government, on 9217 1447 or by email at emma.dickinson@dlg.wa.gov.au no later than close of business on Monday, 11 October 2010.

This forum on Local Government Reform is your opportunity to share ideas and plans for building a stronger local government sector in Western Australia. I greatly appreciate the support of WALGA and LGMA WA for this forum.

I look forward to welcoming representatives from your local government to this important forum.

G M (John) Castrilli MLA
MINISTER FOR LOCAL GOVERNMENT; HERITAGE; CITIZENSHIP AND MULTICULTURAL INTERESTS

24 September 2010
Executive Summary:

As part of the application process for the Community Sport and Recreation Facilities Fund Local Governments are required to prioritise applications within their district.

Applicants Submission:

Two applications have been prepared for Perenjori. While the Shire will be the applicant for both applications, the applications have been driven by members of the affected sporting clubs. The two applications are:

**Synthetic Bowling Green**

This application is for the replacement of the existing grass bowling green with a synthetic carpet surface. This application was lodged last year also, and while supported by the Mid-West Regional Office was not funded.

The Project will cost approximately $202,000. While we have applied for 50% funding, it is likely that CSRFF will only cover 1/3 of the cost. This project will significantly reduce water usage and maintenance costs.

**Tennis and Netball Courts**

This application consists of:

- Collocating the Netball and Tennis Courts;
- Extending the hardstand by 11 metres to accommodate 4 tennis courts, 1 dedicated netball court and one dual use Netball Basketball Court
- Upgraded lighting to Australian Standards for these sports to allow night games.

The collocation should improve the facilities for both sports and give better access to change rooms and toilets for netball players and spectators. The old netball facilities will be used by the cricket club for practice nets, and if the synthetic grass can be recovered from the tennis courts it will be used for golf tees.

The Project will cost approximately $302,000. While we have applied for 50% funding, it is likely that CSRFF will only cover 1/3 of the cost.

To accommodate this project it is necessary to extend the existing hard stand by 11 metres. It is planned to accommodate this extension by extending the Western end by 4 metres into the car park, and the Eastern end by 7 metres. The tennis club has suggested that the entire extension should be at the Eastern end and that the existing toilet block should be removed (see letter).
Background:
As part of the application process for the Community Sport and Recreation Facilities Fund Local Governments are required to prioritise applications within their district. CSRFF funded one third of the cost of the Perenjori Aquatic Centre which may be part of the reason the bowling project was not funded this year.

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:
Collectively these projects could cost Council $300,000 in 2011/12. However these projects would also meet the requirements of the Country Local Government Fund. They will also meet the requirements of our agreement with Mount Gibson in relation to infrastructure funding.

Whole of life costing have been prepared for both projects. Under this model the cost of replacing the infrastructure at the end of its useful life is calculated to allow the Shire to plan for replacement rather than needing to seek funding support next time around.

The whole of life costing contribution (the amount Council would need to set aside each year to fund replacement) is:

- Synthetic Bowling Green – 22,000
- Tennis Netball - $14,000

The Bowling Green is higher because a lighting upgrade is not included in the current proposal and will need to be funded in the future. The savings in water and maintenance cost from the bowling green is expected to approximate $30,000 per annum.

Strategic Implications:
Gary Clarke and Associates is assisting the Shire to prepare a Sport and Recreation master plan. Initial meetings have been held with sporting groups and the draft plan will be available in November.

Consultation:
Consultation for the master plan involved all sporting groups. The CEO met with all sporting clubs in the lead up to this CSRFF round.

Comment:
Council is required to prioritise the two projects. Both projects have considerable merit.

It is proposed that the Bowling Green Project be ranked higher because this is the second year it has been considered, and there are significant savings that will be generated from the project. It is also proposed that we advise the Department that, while the tennis netball project will be ranked second it is still high priority and Council will undertake both projects in a single year of funding is forthcoming.

Voting Requirements:
Simple Majority
Officers Recommendation:

1. That Council support both projects and will undertake both in a single year is funding is forthcoming;
2. That Council rank the projects as Bowling Green First and Tennis Netball second;
3. That Council will retain the existing toilet block.

COUNCIL RESOLUTION

Moved: Cr JR Cunningham  Seconded: Cr C M Johnston

1. That Council support both projects and will undertake both in a single year is funding is forthcoming;
2. That Council rank the projects as Bowling Green First and Tennis Netball second;
3. That Council will retain the existing toilet block.

Carried: 7/0
4th October 2010

Mr Stan Scott
CEO, Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Dear Stan,

I am writing to Council in regards to the toilet block at the town oval.

The Tennis and Netball Clubs are putting a submission to CSRFF for resurface of the tennis courts and moving the netball courts to the old hard court tennis surface. This is part of the Strategic Plan to bring all sports together.

To fit the 2 netball courts in the required space it has been suggested, by you to move all courts to the west (into the Sports Club car park by approx 4 metres.) This is because of the old toilet block to the east. Tennis members are not happy with this suggestion as it greatly increases the cost of the proposal and requires extra work and commitment from members to do the labour required. It will also change the structure for the proposed playground the Sports Club are initiating at this end of the tennis courts.

My suggestion is to remove the old toilet facility and replace with a modern facility including toilets/showers and change rooms that would service the Netball, Football, Tennis, Cricket, Bowls and also the Agricultural Society. The Caravan Park would also benefit when tourist season is at its peak by allowing overflow from the park to camp at the oval with ablution block facilities.

The reason being; the old toilets become blocked on home games of football and netball, also when the Agricultural Society has their annual show. They have served their purpose and are in need of costly repair and upgrade.

I hope that Council is in favour of this proposal to bring together all sports with a common functional facility.

Yours sincerely,

[Signature]

Mrs Robin Spencer
EXECUTIVE SUMMARY:

The CCC is conducting a regional outreach program to the Midwest early in November.

APPLICANTS SUBMISSION:

The outreach program will be led by The Hon Len Roberts-Smith QC, Commissioner of the CCC. The available events are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mon 8 Nov - 9am</td>
<td>9am to noon</td>
<td>Conflicts of Interest (public officers including elected members)</td>
</tr>
<tr>
<td>Mon 8 Nov - noon</td>
<td>9am to 2pm</td>
<td>Lunch with Commissioner (CEOs and Presidents)</td>
</tr>
<tr>
<td>Mon 8 Nov - 2pm</td>
<td>2pm to 5pm</td>
<td>Dealing with Misconduct (Managers)</td>
</tr>
<tr>
<td>Tues 8 Nov - 9am</td>
<td>9am to noon</td>
<td>Understanding Misconduct (public officers including elected members)</td>
</tr>
<tr>
<td>Tues 8 Nov - 9am</td>
<td>9am to 11am</td>
<td>Round table with Commissioner (CEOs and Presidents)</td>
</tr>
<tr>
<td>Tues 8 Nov - 1.30</td>
<td>1.30 to 4.30</td>
<td>Dealing with Misconduct (Managers)</td>
</tr>
</tbody>
</table>

One on one visits are also available for individual agencies.

BACKGROUND:

The events that will be provided by the Commission include:

- Lunch for public sector regional managers, local government Mayors, Presidents and CEOs and community leaders by invitation;
- Round Table discussions with public sector regional managers and local government Mayors, Presidents and CEOs by invitation;
- Free corruption prevention workshops for public sector employees and local government employees and elected officials;
- Individual public sector agency and local government visits; and
- A complaints clinic, where reports of misconduct can be made.

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:
Attendance is free, so the only costs will be travel.

Strategic Implications:
Local Government has been the target of numerous investigations and inquiries.

Consultation:
Nil

Comment:
Elected Members must regularly deal with potential conflict of interest. Similarly recognising and dealing with misconduct is an issue that requires sound knowledge and vigilance.
The outreach program provides an opportunity to gain quality information directly from the agency responsible for investigation and enforcement.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Elected Members indicate if they are interested in attending any of the seminars;
2. That the President or Deputy President indicate interest of any in the Luncheon or Round Table events;
3. That Council determine whether to seek a one on one visit with the CCC.

COUNCIL RESOLUTION
Moved: Cr RA Benton  Seconded: Cr JR Cunningham
1. Elected Members will not be attending any of the seminars;
2. The President and Deputy President will not be attending any of the Luncheon or Round Table events;
3. That Council determined not to seek a one on one visit with the CCC.
   Carried: 7/0
CORRUPTION AND CRIME COMMISSION OF WESTERN AUSTRALIA

Our ref: 01248/2010/DO

22 September 2010

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

Dear Mr Scott

REGIONAL OUTREACH PROGRAM TO MIDWEST REGION

As part of the Corruption and Crime Commission’s Regional Outreach Program I will be leading a team of Commission officers in providing a range of presentations, workshops and agency visits for public sector employees, local government employees and elected officials and members of the community. The regional outreach visit will take place in Geraldton from 8-10 November 2010. The outreach program is designed to provide an opportunity for public officers and members of the community to meet Commission staff, to better understand misconduct risks in regional areas and have individual concerns addressed. It also provides the Commission with an opportunity to hear first hand of the issues you encounter in preventing and managing misconduct.

The events that will be provided by the Commission include:

- Lunch for public sector regional managers, local government Mayors, Presidents and CEOs and community leaders by invitation;
- Round Table discussions with public sector regional managers and local government Mayors, Presidents and CEOs by invitation;
- Free corruption prevention workshops for public sector employees and local government employees and elected officials;
- Individual public sector agency and local government visits; and
- A complaints clinic, where reports of misconduct can be made.

Attached to this letter is an invitation to the lunch which I will be hosting. This function will allow regional managers, local government Mayors, Presidents and CEOs and community leaders the opportunity to understand the role of the Commission and talk, on an individual basis, with Commission staff.
You are also invited to the Round Table function for regional public sector leaders. The purpose of this meeting is to provide a further opportunity to raise awareness of the Commission's work, but, importantly, it allows the Commission to learn more about how you as senior public officials identify and manage misconduct in your organisations.

The Commission would also like to take this opportunity to offer your agency a one-on-one visit with Commission officers. The purpose of the visit is to provide information to you and your corporate governance team, as well as discuss any concerns you may have on issues relating to misconduct. If you would like to arrange an agency visit please contact Donna Oxley on 9215 4875 or Luke Breedon on 9215 4788 or via email at regionaloutreach@ccc.wa.gov.au.

Finally, the Commission will offer free corruption prevention workshops. These workshops have proven very popular to date with public sector employees. Please see the attached brochure for further information. If staff at your agency are interested in attending any of the workshops, they are invited to register via the Commission’s website: www.ccc.wa.gov.au, which contains further details of the Regional Outreach program.

If you have any queries about the Regional Outreach program, please contact Donna Oxley on 9215 4875 or via email: donna.oxley@ccc.wa.gov.au

I hope that you will be able to participate in the Commission’s Regional Outreach Program and encourage your staff to take advantage of the events presented during the visit. I look forward to meeting with you.

Yours faithfully

The Hon L.W. Roberts-Smith RFD QC
Commissioner

Enc: Lunch function invitation
Round Table invitation
Workshops Flyer
Complaints Clinic Flyer
FREE WORKSHOPS GERALDTON

Monday 8 November 2010, 9:00 am – 12:00 noon

Dealing with conflicts of interest is an important issue for all public officers today. This workshop provides participants with the skills needed to identify and manage potential conflicts of interest between their public duty and personal lives (or those of staff they supervise). Hypothetical scenarios are used as exercises in learning how to apply management strategies.

Tuesday 9 November 2010, 9:00 am – 12:00 noon

In this workshop you will learn how to prevent, identify and respond to your misconduct risk. Using case scenarios and group discussion you will explore the legal meaning of misconduct and apply this to situations and activities in the workplace which could involve misconduct. Raising awareness about your obligations as a public officer and inherent misconduct risk areas, the workshop provides practical advice so that you can avoid the ‘misconduct trap’.

Monday 8 November 2010, 2:00 pm – 5:00 pm
Tuesday 9 November 2010, 1:30 pm – 4:30 pm

This workshop is specifically for State and Local Government front-line managers and supervisors, who are looking for practical tips about managing misconduct in their workplace. Many public sector agencies rely heavily on their front-line managers to spot, handle and prevent misconduct in their work area. This interactive workshop will cover what you need to know to become ‘the unsurprised manager’, using exercises and case scenarios to help explore some common issues faced by managers today.

Location: Ocean Centre Hotel, Cnr Foreshore Dr and Cathedral Ave, Geraldton WA 6530

To register for a workshop visit http://www.ccc.wa.gov.au/Pages/RegionalOutreach.aspx

Registrations close 28 October 2010

For more information contact Linda Rodgers on 9215 4829 or regionaloutreach@ccc.wa.gov.au
Executive Summary:

Perenjori’s Centenary is approaching and Council needs to determine which event will constitute the founding of Perenjori.

Applicants Submission:

The Perenjori town site was gazetted in 1916, but there were a number of significant events prior to that time that could represent year zero for the purposes of celebrating a centenary. The lessons from other celebrations is that there needs to be a considerable lead time to make adequate preparations and to do adequate research for the celebrations.

A time line of events is set out below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1869</td>
<td>John Forrest named Damperwagh Hills and Spring</td>
</tr>
<tr>
<td>1894</td>
<td>George Woodley found gold near Rothsay</td>
</tr>
<tr>
<td>1897</td>
<td>Rothsay population topped 300 people</td>
</tr>
<tr>
<td>1905</td>
<td>WH (Bill) Herbert takes out agricultural lease around Perengary rock hole. Frank Summer worked on construction of Rabbit Proof Fence through the area.</td>
</tr>
<tr>
<td>1911</td>
<td>Land opened up for selection. Work authorised on the Wongan Hills to Mullewa railway line.</td>
</tr>
<tr>
<td>1912</td>
<td>Railway construction commenced in Wongan Hills (May) and Mullewa (June).</td>
</tr>
<tr>
<td>1913</td>
<td>The railway line construction teams met in Perenjori in December 1913.</td>
</tr>
<tr>
<td>1915</td>
<td>Railway line opened</td>
</tr>
<tr>
<td>1916</td>
<td>Perenjori gazetted as a town site. Morawa Perenjori Road Board formed as a separate entity</td>
</tr>
</tbody>
</table>

The event which resulted in the establishment of Perenjori more than any other was the establishment of the rail siding. The gazettel as a town was as a result of the settlement that had occurred as the Perenjori location established itself as a centre for servicing the local agricultural industry.

Background:

Morawa celebrated its centenary this year. The date was determined based on 25 years having elapsed since its 75th anniversary.
Latham celebrated its centenary last year, based on 100 years since the first documented resident of the district.

**Statutory Environment:**

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

**Policy Implications:** Nil

**Financial Implications:**

There will be limited immediate impact but some costs could be expected in each of the years between now and the centenary celebration.

**Strategic Implications:**

2015 is the centenary of the Gallipoli campaign in World War One, and there are likely to be numerous events throughout that year.

**Consultation:**

The letter from Mr Baxter is attached.

**Comment:**

In light of the importance of the establishment of the rail siding in Perenjori this is the event that should trigger the centenary celebrations. It is proposed that the centenary celebrations should be held on or around the Queen’s Birthday long weekend in September 2013.

For the celebrations to be effective there will need to be a steering committee established including participation by Council. The preparations may include other tasks such as collecting more oral histories, update of the history of Perenjori, some monument or physical structure to commemorate the event and of course a series of events surrounding the celebration. The details of these arrangements are a matter for the steering committee.

The committee may wish to consider events or facets of the celebration to recognise Bowgada, Bunjil and Caron.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

1. That the Perenjori centenary be celebrates on or around the Queen’s Birthday long weekend in September 2013;
2. That Council advertise for expressions of interests from the community to participate on the committee;
3. That Council nominates an elected member or members to participate on the committee.

**COUNCIL RESOLUTION**

Moved: Cr CR King  
Seconded: Cr LC Butler  
Carried: 7/0
10105 OTHER BUSINESS

10105.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

- WALGA MWAC Information Bulletin – September 2010
- WALGA Planning and Community Development Newsletter – 17/09/10
- Info Page, Review of SEMC Operational Procedure OP20 – All Hazards Road Closures – 16/09/10
- Implementing the Principles of multiculturalism Locally: A Panning Guide for Western Australian Local Governments - Correspondence addressed to the CEO from the Department of Local Government
- Western Australia Police 2010 Annual Report – Correspondence from the Office of the Commissioner
- Breast Screening Mammography Service Morawa – Correspondence addressed to the CEO from Breast Screen WA
- Stay On Your Feet, News and Views – Spring 2010
- National Awards for Local Government 2010 Winners
- Disability Update – September 2010
- Councillor Magazine – September/October 2010
- Rural Band Annual Report 2010
- Prospect Magazine – September to November 2010
- MB Magazine – September 2010

10105.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

10105.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10105.4 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

CR CHRIS KING APPROVED ITEMS 10105.4.1, 10105.4.2 AND 10105.4.3 AS URGENT BUSINESS
10105.1 SPORTS GROUND ENTRANCE

APPLICANT: KEN MARKHAM – WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 19TH OCTOBER 2010
ATTACHMENTS PHOTOS

Executive Summary:
The revitalisation of the sports ground entrance off Fowler St. was included in the 2010/11 budget which involves the removal and replacement of the existing block wall with a limestone wall similar to the one built for the new aquatic centre but one which will taper down to the height of the existing chain mesh fence. The wall will have the name of the sports ground placed on it using aluminium ariel lettering. The wall of the aquatic centre will have the same lettering with PERENJORI AQUATIC CENTRE on it and an aquatic swimmer logo. The bitumen entrance is to be rebuilt and widened and will continue down to the end of the aquatic centre building.

A new ticket box will also be constructed.

Applicants Submission:
The name of the sports ground would probably need to have reference to Stan Cannon, but it is the Sports Centre part that may need to be changed.

The sports ground is home to many sporting activities including cricket, football, netball, hockey, squash, the aquatic centre and to a lesser extent horse club and tennis, bowls and golf (which are currently structured around the spots club.)

Names being discussed are:
STAN CANNON RECREATIONAL COMPLEX
STAN CANNON SPORTS GROUND
STAN CANNON RECREATIONAL CENTRE

It may be decided to change the name completely.

Background:
The sports ground is currently known as STAN CANNON SPORTS CENTRE, which according to the plaque on the ticket box was opened in 1974.

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: $58,000

Strategic Implications:
Consultation:  
Nil

Comment:  
Nil

Voting Requirements:  
Simple Majority

Officers Recommendation:  
That a name for the sports ground be decided so a new entrance statement can be ordered and placed on the new wall being built.

COUNCIL RESOLUTION  
Moved: Cr R A Benton  
Seconded: Cr R P Desmond

That the name ‘Stan Cannon Sports Complex’ be on the new entrance for the sports ground.

Carried: 7/10
Executive Summary:

It is proposed that rather than purchase two new vehicles this year that Council instead purchase one.

Applicants Submission:

The CEO is seeking the Council’s agreement as follows:

- To trade the former EDO vehicle on a new Holden Series II Caprice V
- Retain the existing Nissan Murano for use by the DCEO / Admin
- Retain the Nissan XTrail when repaired for use by the CDO / Admin

The proposed action will be within the existing budget allocation but will improve the quality of the fleet.

Background:

Council has budgeted this year to purchase vehicles as follows:

<table>
<thead>
<tr>
<th>Purchase</th>
<th>Budget</th>
<th>Trade In Value</th>
<th>Net Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New CEO Vehicle</td>
<td>$50,000</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>New CDO Vehicle</td>
<td>$20,000</td>
<td>$5,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$40,000</td>
</tr>
</tbody>
</table>

The present DCEO/admin vehicle was damaged in the hail storm and will be out of action for several weeks while being repaired. Our insurance does not cover the cost of a hire care.

The CEO has advertised for a new Community Development Officer.

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:

No net impact on budget bottom line.

Strategic Implications:

Nil
Consultation:
WALGA has negotiated pricing on the new model Caprice which is $4,000 cheaper than State Government pricing.

Comment:
There is no net cost in the proposed arrangements.

Voting Requirements:
Absolute majority

Officers Recommendation:
That Council changes its budget as follows:
- To trade the former EDO vehicle on a new Holden Series II Caprice V
- Retain the existing Nissan Murano for use by the DCEO / Admin
- Retain the Nissan XTrail when repaired for use by the CDO / Admin

COUNCIL RESOLUTION
Moved: Cr LC Butler  Seconded: Cr JR Cunningham
That Council changes its budget as follows:
- To trade the former EDO vehicle on a new Holden Series II Caprice V
- Retain the existing Nissan Murano for use by the DCEO / Admin
- Retain the Nissan XTrail when repaired for use by the CDO / Admin

Carried: 7/0
Executive Summary:
The OGTR has given potentially affected Local Governments until 26 November 2010 to comment on proposed trials.

Applicants Submission:
The OGTR has advised that intends to issue licenses to Monsanto for herbicide tolerant canola in a number of Local Government areas across Australia including most of the WA wheat belt and Mid-West. Affected Local Governments are:

- Albany
- Beverley
- Boddington
- Boyup Brook
- Bridgetown-Greenbushes
- Brookton
- Broomehill
- Carnamah
- Coorow
- Corrigin
- Cranbrook
- Cuballing
- Cunderdin
- Dalwallinu
- Denmark
- Donnybrook-Balingup
- Dowerin
- Dumbleyung
- Esperance
- Gnowangerup
- Goomalling
- Greenough
- Jerramungup
- Katanning
- Kent
- Kojonup
- Manjimup
- Mingewarri
- Moora
- Morawa
- Mullewa
- Narrogin
- Nannup
- Northam
- Perenjori
- Pingelly
- Plantagenet
- Quairading
- Ravensthorpe
- Tambellup
- Tammin
- Three Springs
- Toodyay
- Victoria Plains
- Wagin
- Wandering
- West Arthur
- Wickepin
- Williams
- Wongan-Ballidu
- Woodanilling
- Wyalkatchem
- York
Even if not in Perenjori itself, there may be trials in any one of the neighbouring agricultural local governments.

The proposed conditions are as follows:

The applicant has proposed a number of controls to restrict the spread and persistence of the GM canola line and the introduced genetic material in the environment including:

- surrounding the trial sites with a 50 m monitoring zone that is free of Brassica weeds.
- adopt one of the following measures:
  - maintain a 1 km isolation zone between the outer perimeter of the planted area and the nearest non-GM canola crop, or
  - surround the trial site with a 15 m wide pollen trap and maintain a 400 m isolation zone between the outer perimeter of the pollen trap and other non-GM canola crops
- removing and destroying all viable GM plant material from the trial sites and adjacent areas following harvest
- locating the trial sites at least 50 m away from natural waterways
- restricting access to trial sites to authorised persons
- post harvest monitoring of the trial site, pollen trap area and any areas used to clean equipment on a monthly basis for 24 months and destroying any volunteer canola plants (if no volunteers are found during 6 consecutive inspections, then reduce inspections to once every 3 months for the remainder of the inspection period)
- cleaning of equipment and places within 2 weeks of harvest
- harvesting of GM canola from trials separately to other canola
- destroying seed not used for evaluation or seed increase
- transporting and storing GM plant materials in accordance with Regulator’s guidelines
- not using the GM plant material for human food or animal feed.

In the risk management document the following is the discussion for the potential for hybridisation with other species:

**Presence of related plants in the receiving environment**

1. The proposed trial sites are located in commercial canola growing regions. Commercial canola varieties grown in New South Wales, Victoria and Western Australia could include non-GM and GM varieties. Non-GM canola includes varieties that are tolerant to herbicides containing triazine and imidazolinone. GM glyphosate tolerant Roundup Ready® canola and GM glufosinate ammonium tolerant, InVigor® canola have been approved for commercial release under DIRs 020/2002 and 021/2002, respectively.

2. *B. napus* is known to cross with other species within the *Brassicaceae* tribe. Of the many *Brassica* species in Australia, canola may potentially hybridise under natural conditions with other *B. napus* groups or subspecies (including vegetables such as Swedes, rutabaga, kale), *B. juncea* (Indian mustard), *B. rapa* (canola, turnip rape or white turnip; includes vegetables
such as turnip, Chinese cabbage and pak choi) and *B. oleracea* (wild cabbage; includes vegetables such as cauliflower, brussel sprouts and cabbage) (Salisbury 2002b). Naturally occurring hybrids between *B. napus* and species from other genera in the *Brassicaceae* tribe have been reported at very low frequencies for *Raphanus raphanistrum* (wild radish), *Hirschfeldia incana* (Buchan weed) and *Sinapis arvensis* (charlock) (Salisbury 2002b). The applicant proposes to maintain a 50 m monitoring zone that is free of *Brassica* weeds.

It appears that one of the risks is the development of Round-up tolerant radish and wild mustard.

**Background:**

The Correspondence from the OGTR said in part:

Please note that I realise Councils do not usually have specialist scientific advice available to them. The purpose in consulting your Council is to make you aware of the application and to seek comment from people who are familiar with the area where the release could take place.

**Statutory Environment:**

Section 52 of the *Gene Technology Act 2000* (the Act) and equivalent provisions in corresponding State and Territory legislation set out the requirements for the consultation process in relation to finalising the RARMP, which then forms the basis of the Regulator’s decision on whether or not to issue a licence.

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

**Policy Implications:**

Council has no policy on GMO.

**Financial Implications:**

There are no direct financial implications.

**Strategic Implications:**

There are no direct financial implications.

**Consultation:**

The Correspondence from the OGTR said in part:

As required by section 52(1) of the Act, public notification and an invitation for written submissions on the RARMP for this application are being undertaken. The consultation is more extensive than prescribed in the Act and includes advertising in The Land (a newspaper circulated in rural New South Wales), The Weekly Times (a newspaper circulated in rural Victoria) and Farm Weekly (a newspaper circulated in rural Western Australia) in addition to the required general circulation newspaper (The Australian), the Australian Government Gazette and the OGTR website. I will also issue an invitation to comment to interested parties who have registered on the OGTR mailing list.

Please note that issues such as food safety and labelling, agricultural chemical use and marketability and trade implications do **NOT** fall within the scope of the evaluations conducted under the Act as these are the responsibility of other agencies and authorities.
Comment:
To date Council has not taken a position on GMO. It is the CEO’s view that this is a matter for industry rather than Local Government unless there is a direct impact on the region or constituents not participating in the trails. However Council may wish to publicise the proposed trial and encourage wider participation in consultations.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council publicize the proposed trials and encourage individual farmers and farming groups to participate in consultations.

COUNCIL RESOLUTION
Moved: Cr LC Butler  Seconded: Cr RP Desmond
That Council publicize the proposed trials and encourage individual farmers and farming groups to participate in consultations.

Carried: 7/0
15 October 2010

EXECUTIVE SUMMARY OF THE RISK ASSESSMENT AND RISK MANAGEMENT PLAN (CONSULTATION VERSION)
FOR
APPLICATION NO. DIR 105
FROM
MONSANTO AUSTRALIA LTD

Introduction
A licence application (DIR 105) has been received from Monsanto Australia Limited (Monsanto) for a limited and controlled release of genetically modified (GM) canola. The Gene Technology Act 2000 (the Act), the Gene Technology Regulations 2001 and corresponding state and territory law govern the comprehensive and highly consultative process undertaken by the Gene Technology Regulator (the Regulator) before making a decision whether or not to issue a licence to deal with a genetically modified organism (GMO).

In accordance with the gene technology legislation, a detailed Risk Assessment and Risk Management Plan (RARMP) for the dealings proposed by the applicant has been prepared for consultation. The Regulator now invites submissions in order to finalise the document, which will then form the basis of his decision whether or not to issue a licence.

The application
Monsanto has applied for a licence for dealings involving the intentional release one line of GM canola on a limited scale and under controlled conditions. The GM canola line has been genetically modified for herbicide tolerance. The trial is proposed to take place over four years, from March 2011 to December 2014, with up to 2 sites planted in the first


2 The term ‘line’ is used to denote plants derived from a single plant containing a specific genetic modification resulting from a single transformation event.
year, 8 sites in the second and third years, and 20 sites in the fourth year. Sites will be a maximum of 4 ha in the first year and 10 ha in subsequent years. Sites may be located in canola growing regions in 46 possible local government areas (LGAs) in New South Wales, 28 possible LGAs in Victoria and 53 possible LGAs in Western Australia. The exact site locations will be selected by Monsanto closer to planting.

The GM canola has been modified to contain a gene derived from a common soil bacterium. Expression of the gene in the GM canola plants is expected to confer tolerance to herbicides containing glyphosate.

The purpose of the trial is to conduct experiments to evaluate agronomic performance of the GM canola line under field conditions. Material from the GM canola would not be used in human food or animal feed.

Monsanto proposes a number of controls to restrict the spread and persistence of the GM canola line and its introduced genetic material in the environment that have been considered during the evaluation of the application.

**Risk assessment**

The risk assessment takes into account information in the application (including proposed containment measures), relevant previous approvals and current scientific/technical knowledge.

Initially, potential pathways that might lead to harm to people or the environment as a result of gene technology are postulated (risk scenarios), and those that warrant detailed characterisation are determined. This process is described as risk identification.

Eight risk scenarios were postulated. This included consideration of whether or not expression of the introduced gene could: result in products that are toxic or allergic to people or other organisms; alter characteristics that may impact on the spread and persistence of the GM canola; or produce unintended changes in the biochemistry of the GMO. The opportunity for gene flow to other organisms, and its effects if it were to occur, was also assessed.

A risk is only identified for further assessment when a risk scenario is considered to have some chance of causing harm. Pathways that do not lead to an adverse outcome, or could not reasonably occur, do not advance in the risk assessment process.

The characterisation of the eight risk scenarios in relation to both the seriousness and likelihood of harm, in the context of the control measures proposed by the applicant, did not give rise to any identified risks that required further assessment.

Risks to the health and safety of people, or the environment, from the proposed release of the GM canola line into the environment are assessed to be negligible. Hence, the Regulator considers that the dealings involved in this limited and controlled release do not pose a significant risk to either people or the environment.

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3 If the Regulator considers that none of the proposed dealings pose a significant risk to people or the environment, section 52(2)(d)(ii) of the Act mandates a minimum period of 30 days for consultation on a RARMP. However, the Regulator has allowed up to 6 weeks for the receipt of submissions from prescribed experts, agencies and authorities and the public.
Risk management plan

Risk management is used to protect the health and safety of people and to protect the environment by controlling or mitigating risk. The risk management plan evaluates and treats identified risks, evaluates controls and limits proposed by the applicant, and considers general risk management measures. The risk management plan is given effect through proposed licence conditions.

As none of the eight risk scenarios characterised in the risk assessment give rise to an identified risk that requires further assessment, the level of risk from the proposed dealings is assessed to be negligible. The Regulator’s Risk Analysis Framework defines negligible risks as insubstantial, with no present need to invoke actions for their mitigation in the risk management plan. However, conditions are proposed to restrict the spread and persistence of the GMO and its genetic material in the environment and to limit the proposed release to the size, locations and duration requested by the applicant, as these were important considerations in establishing the context for assessing the risks.

The proposed licence conditions, detailed in Chapter 4 of the RARMP, would require Monsanto to limit the release to a maximum cumulative area of 368 ha planted between the date of issue of the licence and December 2014 in nominated LGAs. No more than 2 sites in the first year, 8 sites in the second and third years, and 20 sites in the fourth year are proposed. The control measures would include: containment provisions at the trial site; preventing the use of GM plant materials in human food or animal feed; destroying GM plant materials not required for further studies; transporting GM plant materials in accordance with the Regulator’s transportation guidelines; and conducting post-harvest monitoring at the trial site to ensure all GMOs are destroyed.

Conclusions of the consultation RARMP

The risk assessment concludes that this proposed limited and controlled release of a GM canola line on a maximum cumulative area of 368 ha planted at up to 38 sites over four years in New South Wales, Victoria and Western Australia, poses negligible risks to the health and safety of people or the environment as a result of gene technology.

The risk management plan concludes that these negligible risks do not require specific risk treatment measures. If a licence were to be issued, conditions are proposed to limit the release to the size, locations and duration proposed by the applicant, and to require controls in line with those proposed by the applicant, as these were important considerations in establishing the context for assessing the risks.
Call for comment

The Regulator invites comments on the RARMP for application DIR 105, including the licence conditions proposed if a licence were to be issued to Monsanto for this release. The closing date for written submissions is **26 November 2010**.

The Regulator would particularly value comments relating to risks to **the health and safety of people or the environment** posed by the proposed release.

All comments relating to the protection of people or the environment that are received by the closing date will be considered by the Regulator in finalising the RARMP, which will then form the basis of his decision whether or not to issue a licence.

**Please note that issues such as food safety and labelling, the use of agricultural chemicals and marketability and trade implications do NOT fall within the scope of the evaluations that the Regulator is required to conduct under the Gene Technology Act 2000 and corresponding State and Territory legislation as these are the responsibilities of other agencies and authorities.**

The consultation RARMP can be accessed on the OGTR website under ‘What’s New’ or you can request a copy of the RARMP or the application from the OGTR. Please quote application number **DIR 105**.

The Regulator's **Risk Analysis Framework** and a review document, *The Biology of Brassica napus L. (canola)* and a plain English Questions and Answers on this application can also be accessed on the OGTR website or obtained from the OGTR.

If you have any questions about the RARMP or the evaluation process, please contact:

**The Office of the Gene Technology Regulator**
MDP 54 GPO Box 9848 Canberra ACT 2601
Tel: 1800 181 030
Fax: 02 6271 4202
Email: ogtr@health.gov.au
Website: http://www.ogtr.gov.au
Questions & Answers on Licence Application DIR 105 for limited & controlled release of genetically modified canola

What is this application for?
Monsanto Australia Ltd (Monsanto) is seeking approval to trial, under limited and controlled conditions, a new genetically modified (GM) canola. The proposed field trial would take place over four years, from March 2011 to December 2014, with up to 2 sites in the first year, 8 sites in the second and third years, and 20 sites in the fourth year. Sites would be a maximum of 4 ha in the first year and 10 ha in subsequent years, and would be located in canola growing regions in 46 possible local government areas (LGAs) in New South Wales, 28 possible LGAs in Victoria and 53 possible LGAs in Western Australia. The exact site locations would be selected closer to planting.

How has the GM canola line been modified?
The GM canola line contains a gene derived from a common soil bacterium that is expected to enable the GM canola plants to continue growing in the presence of glyphosate. Herbicides containing glyphosate could then be used for weed control in the GM canola crop.

The GM canola proposed for release differs from the commercially released Roundup Ready® canola as it is expected to tolerate higher rates of glyphosate herbicides and have a wider time window for herbicide application.

What is the purpose of the trial?
The purpose of the trial is to conduct experiments to evaluate the agronomic performance of the GM canola line, including performance of the introduced herbicide tolerance trait, under field conditions. Material from the GM canola would not be used in human food or animal feed.

What controls are proposed for this release?
The Risk Assessment and Risk Management Plan (RARMP) for this application concludes that the proposed release poses negligible risks to people or the environment. However, a range of licence conditions are proposed to limit the release to the size, locations and duration requested by the applicant as these were important considerations in the assessment process. As well as limits on the scale of the release, control measures have been proposed to restrict the spread and persistence of the GMO and the introduced genetic material. These include: ensuring that the GM canola is isolated from non-GM canola and other related plants; cleaning of equipment used in connection with the GM plants; transport and storage of the GM plant materials in accordance with the Regulator’s guidelines; and monitoring the release sites for at least two years after harvest, during which time any volunteer plants found must be destroyed. Full details of the proposed licence conditions are set out in the RARMP, which is now available for comment.

How can I comment on this application?
You are invited to submit your comments on the consultation version of the RARMP that has been prepared for application DIR 105. The full consultation RARMP and Executive and Technical Summaries are available on the OGTR website (<http://www.ogtr.gov.au>) under “What’s New” or via Freecall 1800 181 030. Your advice would be appreciated on any risks to the health and safety of people or to the environment that may be posed by the proposed release. Please note that the consultation period closes on 26 November 2010 and written submissions are required by that date.

What are the next steps in the evaluation process?
Matters raised in submissions relating to the protection of people or the environment during the proposed release are taken into account in finalising the RARMP, which then forms the basis of the Regulator’s decision on whether or not to issue a licence.
10105.5 MATTERS BEHIND CLOSED DOORS

10105.6 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Council Meeting will be held on the 18th November 2010 at 7.00pm

10105.7 CLOSURE

With no further business the meeting was officially closed at 4.45pm

I certify that this copy of the Minutes is a true and correct record of the meeting held 21st October 2010.

Signed: ______________________

Presiding Elected Member

Date: _______________________