Shire of Perenjori

MINUTES

Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 2nd June 2011, commencing at 1.30pm

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11051  PRELIMINARIES

11051.1  DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
Cr Chris King officially opened the meeting at 6.50pm

11051.2  OPENING PRAYER
Cr Chris King led Council in the opening prayer

11051.3  DISCLAIMER READING

11051.4  RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:
Cr Chris King
Cr Laurie Butler
Cr Graeme Reid
Cr Jenny Hirsh
Cr Rodney Desmond
Cr Cathy Johnston
Stan Scott – CEO
Doug Stead – DCEO
Kimberley Wheeler

Apologies:
Cr Robyn Benton
Cr John Cunningham

11051.5  PUBLIC QUESTION TIME

11051.6  PETITIONS / DEPUTATIONS / PRESENTATIONS

11051.7  NOTATIONS OF INTEREST
Financial Interest – Local Government Act s 5.60A
Proximity Interest – Local Government Act s 5.60B
Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.

11051.8  APPLICATIONS FOR LEAVE OF ABSENCE
Minutes of Ordinary Council meeting held 14th April 2011 are attached.

COUNCIL RESOLUTION
Moved: Cr RP Desmond		Seconded: Cr LC Butler
That the minutes of Ordinary Council Meeting held on 14th April 2011 be accepted as a true and accurate record.

Carried: 6/0

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
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 30\textsuperscript{th} April 2011 including report on variances be accepted as presented.

2. Finance Report

That the Finance Report for the period ended 30\textsuperscript{th} April 2011 be accepted as presented.
Shire of Perenjori  
Ordinary Meeting  
MINUTES  
2nd June 2011 

3. Acquisition of Assets  
That the Acquisition of Assets Report for the period ended 30th April 2011 with a balance of $1,610,403.00 as presented be received.

4. Reserves Report  
That the Reserves Report for the period ended 30th April 2011 with a balance of $767,217.00 as presented be received.

5. Net Current Assets  
That the Net Current Assets report for the period ended 30th April 2011 with a balance of $661,792.00 as presented be received.

6. Bank Reconciliation's  
That the balances of the Municipal Fund of $476,558.76 and the Trust Fund of $42,280.87 as at 30th April 2011 as presented be received.

7. Sundry Creditors Report  
That the Sundry Creditors Report for the period ended 30th April 2011 with a balance of $192,961.61 as presented be received.

8. Sundry Debtors Report  
That the Sundry Debtors Report for the period ended 30th April 2011 with a balance of $454,645.16 as presented be received.

9. Accounts for Payment  
That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 17848 – 17891 and EFT Numbers 2562 - 2652 for $937,162.20 and the Trust Account consisting of Cheque Numbers 810 and EFT Numbers 2622 – 2624 for $ 4077.80 for the period ended 30th April 2011 as presented be accepted.

10. Rates Outstanding  
That the Rates Outstanding Report for the period ended 30th April 2011 as presented be received.

COUNCIL RESOLUTION  
Moved: Cr RP Desmond  
Seconded: Cr CM Johnston  
That items 1-10 of the Financial Activity Report ending 30th April 2011 be accepted as a true and accurate record.  
Carried: 6/0
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Executive Summary:

Preliminary Concepts from Eastman Poletti Sherwood for consideration regarding the redevelopment of the Old Depot Site into the Perenjori Business Park.

Applicants Submission:

Greg Eastman of Eastman Poletti Sherwood is submitting to Council two Preliminary Concepts to generate discussion with reference to the redevelopment of the Old Depot Site into the Perenjori Business Park.

Background:

The Old Depot Site is no longer required for its previous purpose and in December 2010 Council directed that investigation should be pursued to enable the site to be redeveloped to provide a business hub.

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:

In the December 16 2010 Ordinary Council Meeting, Council approved $20,000 as unbudgeted expenditure for the development of plans and cost estimates for the redevelopment of the depot sites

Strategic Implications:

This will lead to improved infrastructure and encourage the development of small businesses within the Shire.

Consultation:

Eastman Poletti Sherwood and the CEO Stan Scott
Comment:
Council has recognised the advantages of developing the site for rental purposes

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council adopt the Replacement Building Option in a staged and considered manner to enable the initial refurbishment of proposed Tenancies 1-3 to generate income, with the demolition and future developments to be achieved progressively.

COUNCIL RESOLUTION
Moved: Cr LC Butler                     Seconded: Cr RP Desmond
That Council adopt the Replacement Building Option in a staged and considered manner to enable the initial refurbishment of proposed Tenancies 1-3 to generate income, with the demolition and future developments to be achieved progressively.

Carried: 6/0
Executive Summary:
The Shire of Perenjori has been requested to support the Leisure Institute of WA Aquatic (Inc.) 15th Annual Country Pool Managers Seminar on the 19th October 2011. The Shire President or CEO is also required to open the event and a monetary contribution towards catering and supplying a venue is also being requested.

Applicants Submission:
LIWA (Inc.) request the use of the Pavilion to host the 15th Annual Country Pool Managers Seminar on the 19th October 2011 with catering supplied by the Shire of Perenjori.

Background:
As per the attached letter “A major intent of the aquatic seminars is to showcase new and refurbished facilities across regional Western Australia.” It is an honour for the Perenjori Aquatic Centre to have been selected to host the event. Previous seminars have attracted over 50 delegates.

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

Policy Implications:
Nil

Financial Implications:
Council should consider this event’s costing when framing the 2011/12 Operating Budget.

Strategic Implications:
This is an opportunity to showcase the Perenjori Aquatic Centre.

Consultation:
Pool Manager Liz Markham.

Comment:
Shire of Perenjori  
MINUTES  
2nd June 2011

Voting Requirements:
Simple Majority

Officers Recommendation:
That the Shire of Perenjori host the 15th Annual Country Pool Managers Seminar on the 19th October 2011 with the venue and catering supplied by the Shire of Perenjori.

COUNCIL RESOLUTION

Moved: Cr JH Hirsch  
Seconded: Cr CM Johnston

That the Shire of Perenjori host the 15th Annual Country Pool Managers Seminar on the 19th October 2011 with the venue and catering supplied by the Shire of Perenjori.

Carried: 6/0
Stan Scott  
CEO Shire of Perenjori  
PO Box 22  
PERENJORI 6620

Dear Stan,

On behalf of the Board of LIWA Aquatics I would like to formally request that the Shire of Perenjori consider hosting the 15th Annual Country Pool Managers Seminar on the 19th of October 2011.

A major intent of the aquatic seminars is to showcase new and refurbished facilities across regional Western Australia. The past two seminars have been conducted in Narembeen and Katanning and both proved to be very successful events with over 50 delegates attending.

From the Shire of Perenjori’s perspective LIWA Aquatics request that a venue be made available that seat’s up to 50 delegates, that yourself or the Shire President be available to open the event and that the pool manager is available to showcase the new facility during a site visit.

I have had discussions with Liz Markham regarding catering and accommodation and she will assist and liaise with the coordinating committee if the Shire is happy to host the event. In the past the hosting Shire has made a small contribution to cover the cost of morning tea and lunches, but if this is not available it will not be a problem.

I look forward to hearing from you and that the Shire of Perenjori is able to support this request for hosting the 2011 Aquatic Seminar. I can be contacted on 9383 8238 or 0411263696 if you require any other information.

Yours sincerely,

TONY HEAD  
Executive Officer  
LIWA Aquatics

All correspondence to  
LIWA Aquatics (Inc)  
PO BOX 726  
HILLARIES WA 6023  
info@liaquatics.net.au
Executive Summary:
Request for comment on Electricity Pylon Sites on Reserves 16234 and 16381 for the proposed Extension Hill Pty Ltd 330kV power lines.

Applicants Submission:
The Department of Regional Development and Lands invite comments from the Shire of Perenjori with regard to the proposal to grant easements where Extension Hill Pty Ltd has sought tenure over part of Reserves 16234 and 16381.

Background:
Extension Hill Pty Ltd is proposing to build a 330kv power line and have sought tenure over portions of Reserves 16234 and 16381. Reserve 16234 is currently set apart for the purpose of “water” and is vested in the Minister for Water. Reserve 16381 is set apart for “recreation and Golf Links” and vested in the Shire of Carnamah.

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

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

Officers Recommendation:
The Department of Regional Development and Lands be advised that the Shire of Perenjori has no objections to the proposal.
COUNCIL RESOLUTION

Moved: Cr JH Hirsch  
Seconded: Cr LC Butler

The Department of Regional Development and Lands be advised that the Shire of Perenjori has no objections to the proposal.

Carried: 6/0
12 April 2011

Chief Executive Officer
Shire of Perenjori
P O Box 22
Perenjori WA 6620

Dear Sir

RE: ELECTRICITY PYLON SITES – RESERVES 16234 AND 16381

Extension Hill Pty Ltd has sought tenure over those portions of the above Reserves, as shown hatched on the attached print. The company intends to construct 330kv power lines to be supported from 50 metre high pylons.

Reserve 16234 is currently set apart for the purpose of “water” and is vested in the Minister for Water, while Reserve 16381 is set apart for “recreation and Golf Links” and vested in the Shire of Carnamah.

It is proposed to grant the company easements over the effected portions of the Reserves.

So that consideration can be given to this matter, could I please have your comments.

Yours faithfully

[Signature]

for MANAGER
STATE LANDS – MID-WEST REGION
LANDS DIVISION
11055.4  FUTURE OF THE MIDWEST REGIONAL COUNCIL

**APPLICANT:**  MWRC

**FILE:**  0

**DISCLOSURE OF INTEREST:**  0

**AUTHOR:**  STAN SCOTT – CEO

**RESPONSIBLE OFFICER**  STAN SCOTT – CEO

**REPORT DATE:**  11 MAY 2011

**ATTACHMENTS**  LETTER

**Executive Summary:**

The Midwest Regional Council wrote to members seeking discussion on the future of the MWRC in light of structural reform and notices of withdrawal from all bar Perenjori and Morawa.

**Applicants Submission:**

The MWRC Wrote to Council in the following terms:

*MWRC is currently administering a number of projects requiring a considerable investment of time and somewhat specialised skills. In the event the decision is to wind up the regional Council, an alternative for the provision of the following services is to be found:*

1. **The Mid West Local Governments Services to Main Roads**
   - MWRC supplies a single point of contact, co-ordinates meeting arrangements and generally acts as a conduit between the Shires and Main Roads. This project management role will need to be continued.
   - Main Roads have requested a single account each month. The various shires will bill MWRC who will then compile these into a single account, add administration and bill Main Roads. Main Roads will pay MWRC who will then disperse funds to the Shires.
   - MWRC is to be a member of and supply secretarial support and SynergySoft accounting and reporting advice to the Joint Process Management Team.
   - MWRC sits on the Governance team as Council’s single representative and arranges meetings and disperses documents.
   - The MWRC CEO has played a lead role in driving this project from the onset. Ongoing costs for the MWRC CEO and administration associated with the Service Delivery will be met by Main Roads on commencement of the Services by the Local Governments (1<sup>st</sup> July 2011).
**WELL Training Program**

- MWRC has played an integral role in co-ordinating the WELL project with assistance from Durack Institute of Technology. With knowledge of other activities being carried out by the Councils, MWRC has been able to direct WELL funding to compliment projects which would not ordinarily be picked up by the WELL funding. This has provided significant cost savings to Councils.

- MWRC is about to submit an application for the second round of funding which will require co-ordination until 31 December 2011.

- A third round of funding may also be applied for which will run from January 2012 to December 2012.

**Enterprise Based Productivity Places Program (EBPP)**

This project, providing study for qualifications by employees will require ongoing administration for quite some time. This will involve complying with reporting requirements to Government Skills Australia, liaising with training providers and support to students.

I am suggesting some options (there may be others) for your Council to discuss:

- MWRC investigates amalgamation with other Regional Councils including YYCRC; or

- MWRC is wound up and the project management is taken on by the amalgamated shires; or

- Convert MWRC to an industry owned service provider organisation with a joint board which retains existing Local Government but with a single employing body with shared administration and joint operations, overseen by a joint board of elected members (one of eight models for service delivery that are generally acknowledged throughout the Local Government sector)

- Plans were developed by the four shires in preparation for amalgamation and there are a number of ways these plans may still be delivered in a collaborative arrangement. As the MWRC was in operation prior to the Minister’s request for amalgamation and given the attempt by the four shires to amalgamate, there may be a valid argument for a collaborative arrangement to continue in this case.

**Background:**

As things stand at the moment the Shire of Mullewa will definitely withdraw from 1 July 2011 as it will be amalgamating with the City of Geraldton Greenough. The Shires of Mingenew and Three Springs have given notice and this is due to take effect on 1 July 2011. Mingenew’s main concerns seem to be:

- If they withdraw their notice they will not be able to withdraw for another two years;
- They would prefer an arrangement where one of the member’s CEOs is the designated CEO and the MWRC instead employ a project officer.

At the MWRC meeting last week there was agreement that a strategic review of MWRC and the establishment agreement should be undertaken to look at the
successes and failures of the organisation and to determine the form member
councils would like to see it take in the future.

**Statutory Environment:**
Mid West Regional Council Establishment Agreement

*Local Government Act 1995* S3.61-3.68 contain provisions in relation to Regional
Local Governments.

**Policy Implications:** Nil

**Financial Implications:**
This year the MWRC has been largely self funding.

**Strategic Implications:**
The MWRC has been the vehicle for delivering a range of regional projects in
addition to those listed in the MWRC letter. These include:

- Climate Change Adaptation Planning
- Zero Waste Management Planning
- Development of consistent emergency and recovery plans
- Broadband services

**Consultation:**
MWRC meetings.

**Comment:**
Mingenew and Three Springs proceed with their withdrawal the MWRC will have only
two members. Our immediate options are:

- Wind up the MWRC. We would need to find other means for delivering staff
  training and development programs and Main Roads services;
- Continue with two members. The costs would be split two ways rather than 5.
  Services to other Councils would be on a fee for service basis.

Given the time end energy and effort that was required to set up the MWRC in the
first place it would be premature to wind it up without a serious review and thorough
consideration of the alternatives.

The MWRC would cost each of the two member Councils between $12,500 and
$20,000 which is not dissimilar to what it has cost us in previous years. There may
be interest from other shires including Irwin and Yalgoo. There may even be the
possibility that Coorow would re-join (particularly in light of the Main Roads project
and Mullewa’s withdrawal).

The Mingenew proposal for the CEO’s role to be vested in one of the member
Councils has been tried previously and was not successful. Without someone
leading and driving the work of the regional council new work and new projects do
not emerge.

**Voting Requirements:**
Simple Majority
Officers Recommendation:

1. That Council not seek to wind up the Mid West Regional Council in the short term;

2. That Council support a review of the role and function and future of the MWRC; and

3. That Council not support the Mingenew proposal for the CEO's role to be vested in one of the member Council's CEOs.

COUNCIL RESOLUTION

Moved: Cr GK Reid  Seconded: Cr RP Desmond

1. That Council not seek to wind up the Mid West Regional Council in the short term;

2. That Council support a review of the role and function and future of the MWRC; and

3. That Council not support the Mingenew proposal for the CEO's role to be vested in one of the member Council's CEOs.

Carried: 6/0
Mr Chris King
President
Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Dear Chris,

Future of Mid West Regional Council

In December 2009 the Shires of Mingenew, Mullewa and Three Springs gave notice of their withdrawal from the Mid West Regional Council (MWRC) effective 30th June 2011. This would leave only Morawa and Perenjori in the MWRC from 1st July 2011.

While there is certainty that the merger will go ahead for Mullewa and City of Geraldton Greenough, the proposed merger of the remaining four councils – Mingenew, Morawa, Perenjori and Three Springs is still not certain due to poll provisions that may take place.

I am writing to request that member Council’s enter into discussion on the future of MWRC and advise their contingency plan in the event that the amalgamation does not proceed.

MWRC is currently administering a number of projects requiring a considerable investment of time and somewhat specialised skills. In the event the decision is to wind up the regional Council, an alternative for the provision of the following services is to be found:

The Mid West Local Government Services to Main Roads

- MWRC supplies a single point of contact, co-ordinates meeting arrangements and generally acts as a conduit between the Shires and Main Roads. This project management role will need to be continued.
- Main Roads have requested a single account each month. The various shires will bill MWRC who will then compile these into a single account, add administration and bill Main Roads. Main Roads will pay MWRC who will then disperse funds to the Shires.
- MWRC is to be a member of and supply secretarial support and SynergySoft accounting and reporting advice to the Joint Process Management Team.
- MWRC sits on the Governance team as Council’s single representative and arranges meetings and disperses documents.
- The MWRC CEO has payed a lead role in driving this project from the onset. Ongoing costs for the MWRC CEO and administration associated with the Service Delivery will be met by Main Roads on commencement of the Services by the Local Governments (1st July 2011).

WELL Training Program

- MWRC has played an integral role in co-ordinating the WELL project with assistance from Durack Institute of Technology. With knowledge of other activities being carried out by the Councils, MWRC has been able to direct WELL funding to compliment projects which
would not ordinarily be picked up by the WELL funding. This has provided significant
cost savings to Councils.
- MWRC is about to submit an application for the second round of funding which will
require co-ordination until 31 December 2011.
- A third round of funding may also be applied for which will run from January 2012 to
December 2012.

Enterprise Based Productivity Places Program (EBPP)

This project, providing study for qualifications by employees will require ongoing
administration for quite some time. This will involve complying with reporting requirements
to Government Skills Australia, liaising with training providers and support to students.

Yarra Yarra Catchment Regional Council (YYCRC)

YYCRC approached MWRC last year to supply CEO services. Although YYCRC is yet to meet
to make a decision on the MWRC reply, in the event MWRC is wound up, there will still be a
requirement for this service. Amalgamation of MWRC and YYCRC could be an option for
Councils to consider as some Councils are members of both Regional Councils at present.

I am suggesting some options (there may be others) for your Council to discuss:

- MWRC investigates amalgamation with other Regional Councils including YYCRC; or
- MWRC is wound up and the project management is taken on by the amalgamated shires; or
- Convert MWRC to an industry owned service provider organisation with a joint board which
retains existing Local Government but with a single employing body with shared
administration and joint operations, overseen by a joint board of elected members (one of
eight models for service delivery that are generally acknowledged throughout the Local Government
sector);
- Plans were developed by the four shires in preparation for amalgamation and there are a
number of ways these plans may still be delivered in a collaborative arrangement. As the
MWRC was in operation prior to the Minister’s request for amalgamation and given the
attempt by the four shires to amalgamate, there may be a valid argument for a collaborative
arrangement to continue in this case.

While the above are suggestions for discussion, your Council may come up with alternative options
to offer for further discussion by the member Councils.

Please advise your Council’s response to the following questions in order that the future of MWRC
can be decided:

- In the event amalgamation does not proceed, will your Council continue their membership
with the MWRC?
- Does your Council propose the MWRC be wound up and if so, at what point?
- Does your Council have an alternative option to suggest?

It has been noted that the outcome of the Minister’s request to amalgamate could potentially mean
some of the MWRC member Councils end up with “less than they started with”. The seven member
Councils were applauded for developing the MWRC, which was described as unique, innovative and

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1 Dollery and Johnson - WALGA Systemic Sustainability Study
potentially revolutionary in its deliverables by the WALGA Systemic Sustainability Study (SSS). The benefits the MWRC promised to deliver could disappear with no amalgamation outcome.

The aim of this correspondence, as previously stated, is to provide clarity to the future of the MWRC. We are on the brink of the biggest project yet coming to fruition, the Main Road / Local Governments Services Agreement. Please keep in mind the journey that you been on and the wonderful achievements your Innovative Councils have made through collaboration.

If you would like my presence at your Council meeting when this item is discussed, I would be pleased to attend?

I wish you well as you contemplate the future as it is no easy task.

Yours faithfully

SUZANNE WARD
CHIEF EXECUTIVE OFFICER

3rd February 2011
**EXECUTIVE SUMMARY:**
Hon Max Trenorden MLC has submitted a private members bill to amend the Local Government Act to allow the creation of Local Government Subsidiaries.

**APPLICANTS SUBMISSION:**
The private members bill provides a very minimalist amendment to the Act to allow for the creation of subsidiaries. The amendment introduces the term Regional Subsidiary, but most of the detail will be enshrined in regulation. The crux of the proposed amendment is as follows:

**3.69. Regional subsidiaries**

(1) Two or more local governments making arrangements under which they are to perform a function jointly may, with the Minister’s approval, form a subsidiary body (a regional subsidiary) to perform that function.

(2) Regulations may —

(a) regulate the procedure for applying to the Minister for approval for the formation of a regional subsidiary; and

(b) require the local governments proposing to form a regional subsidiary to prepare a charter addressing the matters required by the regulations to be dealt with in a charter, and to forward the charter to the Minister when applying for approval; and

(c) provide for the establishment, corporate status and powers and duties of a regional subsidiary; and

(d) regulate the governance and management of a regional subsidiary; and

(e) regulate the operational and financial planning, auditing and reporting to be undertaken by a regional subsidiary; and

(f) provide for the winding up of a regional subsidiary; and
(g) provide that a specified provision of this Act applies in relation to a regional subsidiary subject to any prescribed or necessary modifications; and

(h) provide for or regulate any other matter that is necessary or convenient to be provided for or regulated in respect of a regional subsidiary.

(3) This section has effect in addition to the provisions of this Division relating to regional local governments, and does not derogate from those provisions.

(4) Nothing in this section prevents local governments from making arrangements under which —

(a) a local government performs a function for another local government; or

(b) local governments perform a function jointly without forming a regional subsidiary.

Background:

The Regional Subsidiary Model is an attempt to replicate a cooperative model that has operated successfully in South Australia.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

The compliance cost for regional subsidiary arrangements is likely to much less than for Regional Local Governments.

Strategic Implications:

The vision for regional subsidiaries appears to be similar to that initially contemplated by the MWRC, but without the compliance burden.

Consultation:

Mr Trenorden and his National Party colleagues discussed the model with a number of Local Government stakeholders before proceeding.

Comment:

Provided the regulations are not too onerous, the regional subsidiary provides an alternative corporate structure for shared services. It would not for example require the appointment of a CEO as is a minimum requirement for a Regional Council. Further the Act makes it clear that the subsidiary sits below its member Councils rather than above.

Voting Requirements:

Simple Majority

Officers Recommendation:

That the Shire of Perenjori supports the *Local Government Amendment (Regional Subsidiaries) Bill 2010*. 
COUNCIL RESOLUTION

Moved: Cr LC Butler  
Seconded: Cr RP Desmond

That the Shire of Perenjori supports the *Local Government Amendment (Regional Subsidiaries) Bill 2010.*

Carried: 6/0
Executive Summary:

The present industrial arrangements in Local Government are in disarray with each Local Government guessing at what arrangements will apply.

Applicants Submission:

Presently there are two jurisdictions for industrial relations either state or federal. There are now Local Government Awards in both jurisdictions. Whether a Local Government is covered by the State or Federal jurisdiction depends on whether a Local Government is or is not a constitutional corporation. There is no clear legislative test as to whether an individual Local Government is captured by State or Federal arrangements. The only way to know for sure is to have a dispute that ends up in court.

The two main service providers for industrial relations are WALGA Workplace Solutions and Fitzgerald Strategies. WALGA takes the view that most Local Governments would be captured by Federal rules. Mike FitzGerald takes the opposite view.

In a recent email Mike FitzGerald provided the following summary of the situation around Australia:

- My research reveals the following:
  1. As I stated on Friday, the Local Government Industry Award 2010 applies to all Local Governments in the Australian Capital Territory and the Northern Territory because of the nature of the Commonwealth Government’s legislative control over these two Territories.
  2. In New South Wales Local Governments are covered by a state Award called the Local Government (State) Award 2010. This is so because on 20 November 2008 the NSW Government passed legislation changing the status of all NSW Local Governments to that of “bodies corporate of the state”. In addition to this, late in 2009 when the NSW state government referred powers to the Commonwealth Government in respect to IR, they specifically exempted the state’s Public Sector and all NSW Local Governments from the referral. The only Local Government entities in NSW that are covered by the Local Government Industry Award 2010 (Federal) are those entities formed by Local Governments at arm’s length that are engaged in trading activities,
unless they appear in the list of exempt bodies along with all other Local Governments.

3. In Victoria the City of Melbourne has its own Award called the Melbourne City Council Award 2001. Local Governments in the rest of Victoria are covered by the Victorian Local Authorities Award 2001. The state government in Victoria referred powers (re IR) to the Commonwealth Government in 1996 and then again in 1999, accordingly, I understand that Local Governments in Victoria are presently involved in what is referred to as “the State Public Sector process” whereby they may eventually transition to a federal award from the existing Victorian Local Authorities Award 2001. This appears to be a complex process that involves the “better off overall” test in determining the relevant Award.

4. In South Australia Local Governments are covered by two state Awards. One being the South Australian Municipal Officers Award (for Admin Staff) and the other is the Local Government Employees Award (for Outside employees). When the South Australian Government referred powers to the Commonwealth in respect to IR matters, the Commonwealth specifically excluded South Australian Local Governments from the federal system as they were considered to be entities created under the Local government Act of South Australia. The Local Government Industry Award 2010 only applies to third party employers working for Local Governments in South Australia, such as labour hire companies and such like.

5. In Queensland Local Governments are covered by at least 2 state Awards, one being the Queensland Local Government Employees Award (State) and the Queensland Local Government Officers Award 1998, which was previously a federal Award but has been brought into the state system through legislation in Queensland. There are reportedly two versions of the Queensland Local Government Officers Award 1998 that apply to three different classes of Local Government. In 2008 the Queensland State Government passed legislation corporatizing Queensland Local Governments to prevent them being taken into the federal IR system and then in 2010 when the Queensland Government referred powers to the Commonwealth, they excluded Local Governments from the referral process, thus maintaining their Local Governments in the state system.

6. In Tasmania the 29 Local Governments are generally covered by 4 transitional instruments: The Local Government Community Services Tasmania Award 2002, the Municipal Employees Country Shire Councils Tasmania 2003, the Municipal Officers Tasmania Award 2003. The Local Authorities of Hobart, Launceston, Clarence and Glenorchy all have their own federally registered Enterprise Awards. These are all transitional federal Awards. The Tasmanian Government referred powers to the Commonwealth in 2010 and did not exclude their Local Governments from this transfer and so Local Governments in Tasmania will, through the “state Public Sector process” eventually (in 2013) by way of a Fair Work Australia decision, most likely become covered by the Local Government Industry Award 2010.

As we discussed last Friday, no two states are the same in respect to Award coverage for Local Governments. For anyone to suggest that WA Local Governments should elect to adopt the Local Government Industry Award 2010 so as to be in step with Local Governments across the country is simply a nonsense. Very few Local Governments across Australia are covered by the Local Government Industry Award 2010. In Western Australia in particular, I say that very few if any Local Governments are trading corporations and so very few Local Governments in
WA if any are covered by the Local Government Industry Award 2010 and possibly never will be unless the state government refers powers to the Commonwealth and includes WA Local Governments in the transfer as Tasmania did. It appears that only the Territorian, Victorian and Tasmanian Local Governments will eventually all be covered by the Local Government Industry Award 2010 and the rest of the Country will not be.


**Background:**

WALGA at its April State Council Meeting adopted a resolution that WALGA lobby the State Government to refer its Industrial Relations powers to the Federal Government to achieve clarity. This action was taken without seeking feedback from the sector. It should be noted that WALGA Workplace Solutions is a paid service provider, not an industry advocate and many local governments choose to use an alternative provider.

WALGA resolved as follows:

*That State Council:*

1. **Notes the work undertaken by the Association’s Workplace Solutions employee relations advisers in relation to the continued coverage of Western Australian Local Government employers within the Federal industrial relations system including the registration of the Local Government Industry Award 2010;**

2. **Further notes that WA Local Government employees have historically been predominately employed under two federally registered industrial Awards (the Local Government Officers’ Award 1999 and the Municipal Employees Award 1999) and supports the view that member Local Governments continue to be considered ‘National System Employers’ (NSE) for the purposes of the Fair Work Act 2009;**

3. **Endorses representation to the State Government of the sector’s need for clarity regarding the jurisdiction which applies to member Local Governments, including advocating for referral of WA’s State industrial relations powers to the Federal Government;**

4. **Supports the continued support to member Local Governments on this issue through the provision of industrial and employment related advice by WALGA’s Workplace Solutions unit; and**

5. **Endorses continuing close cooperation with CCI (WA) on matters pertaining to determination of Award jurisdiction for WA Local Governments.**

**Statutory Environment:**

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

**Policy Implications:**

Nil
Financial Implications:
The Shire of Perenjori presently pays above both State and Federal Awards through a federally registered Enterprise Agreement.

Strategic Implications:
State Awards are common rule – in other words you are covered by them regardless of whether you are a respondent. The only provisions of the new state award we are not complying with is portable sick leave.

Consultation:
There has been a continuing debate within the sector about which advice is more appropriate.

Comment:
WALGA performs dual roles as an industry advocate and a service provider. It is always of concern when the lines between these functions occurs. This happened in the training area where for many years WALGA was offering non-accredited training that was not mapped against national competencies and not portable between industries. This significantly disadvantaged staff who chose a Local Government career and made it more difficult to attract staff.

In the industrial relations field they appear to have bypassed the consultation process that you would expect in an advocacy role, and used the good offices of WALGA to advance a partisan agenda.

It is possible that some Local Governments will be found to be constitutional corporations and others will not. This latter group will mostly consist of smaller rural Shires that do not have significant enterprise activity. This is also by and large FitzGerald Strategies customer base.

Workplace Solutions provided four options to State Council. The option they did not present was following the South Australian approach of explicitly excluding Local Governments as a State created entity from the referral of powers. One wonders whether Workplace Solutions sees a competitive advantage in operating in the Federal sphere.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council provide a notice of motion as follows;

1. That the present uncertainty as to which Local Governments are or are not covered by the Federal Industrial Relations System is unacceptable;
2. That member councils determine that they would prefer to be covered by a State based industrial relations system; and
3. That WALGA request that the State Government take whatever steps are necessary to ensure that Local Government is covered by the State Industrial Relations system.
COUNCIL RESOLUTION

Moved: Cr CM Johnston  Seconded: Cr JH Hirsch

That Council provide a notice of motion as follows:

1. That the present uncertainty as to which Local Governments are or are not covered by the Federal Industrial Relations System is unacceptable;

2. That member councils determine that they would prefer to be covered by a State based industrial relations system; and

3. That WALGA request that the State Government take whatever steps are necessary to ensure that Local Government is covered by the State Industrial Relations system.

Carried: 6/0
Executive Summary:
YYCRC has presented a range of budget options with the outcome dependent on the final decision by member Councils whether to proceed with notice to withdraw.

Applicants Submission:
The Yarra Yarra catchment Regional Council wrote to member Councils to inform them of their expected budget position for 2011/12.

Background:
The YYCRC has six members Dalwallinu, Koorda, Morawa, Perenjori, Three Springs and Wongan Hills. Of these Dalwallinu, Koorda and Wongan Hills have given notice of intended withdrawal, but have indicated they are prepared to remain as members if the member contributions are substantially reduced.

Statutory Environment:
*Local Government Act 1995* S3.61-3.68 contain provisions in relation to Regional Local Governments. The Act provides that the Regional Council adopts its budget and member Councils are responsible for any shortfall.

Policy Implications:
Nil

Financial Implications:
Member Councils contribute funds in accordance with the establishment agreement based on the relative proportion of the catchment within individual shire boundaries. The draft budget reduces the total requirement on member Councils by over 70%. If all Councils remain members Perenjori’s contribution will be $6,720, down from $22,960. If all 3 councils withdraw our contribution will be $10,968, still substantially lower than last year’s contribution.

Strategic Implications:
The Yarra Yarra CRC continues to perform a valuable role in NRM, but there is some debate as to whether a Regional Council is the right vehicle for the task.
Consultation:
The YYCRC met again on 10 May 2011 and Cr Butler as Chairperson may be able to report further developments in relation to the intentions of other Councils.

Comment:
The establishment of the YYCRC took considerable effort from member Councils, and the Perenjori CEO was the inaugural CEO of the YYCRC. The role of the Regional Council was made more difficult when the national Action Plan Against Salinity was abandoned, and salinity ceased to be a high priority for NRM funding.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council note the likely contributions for its 2011/12 budget.

Item noted
Budget proposal 2011/2012

Dear Stan,

I have attached the budget proposal for the Regional Council for next financial year and as can be seen the proposed expenditures have been radically reduced to reflect the reduced activity of Council at this point of time. It has been consistently stated by Member Council representatives that if the Regional Council could reduce costs until grant monies again start to flow, those Council’s that have given notice to retire from the YYCRC as at the 30th June 2011 would more than likely review their decision on the basis of reduced costs.

Where a Member Council has given the appropriate notice to the Regional Council to take effect (in this case 30th June 2011) any such review to remain with the Regional Council only applies on a year by year basis without the necessity to again give the appropriate notice as directed under the Establishment Agreement.

The proposed 2011/2012 budget expenditures have been reduced by over 66% which accordingly reflects on the income required, thus, in the case of Perenjori if all 6 Councils remain in the regional Council, the contribution sought decreases from $22,960.00 to $6,720.00, if only 4 remain, the contribution would be $7,353.00, and so on, the Shires of Three Springs, Morawa and Perenjori have all indicated that they are at this point of time more interested in the Regional Council continuing.

It has been headline by the Regional Council at a number of its meetings that it considered the Regional Council should remain in existence as a local government to represent the Yarra Yarra catchment basin on NRM matters and that State and Federal Government take greater notice of representations by Councils combined as a region than the representations of an individual Council.

The YYCRC also administers the employment of National Resource Management Officers which are financed by the Australian Government through NACC (Northern Agricultural Catchment Councils), these services by the officers are freely available to all landholders and Councils within the Yarra Yarra basin. There are two officers employed, one is located in Dalwallina and the other in Perenjori.

The YYCRC wishes to draw your Council’s attention to the proposed budget and its implications to Perenjori for its 2011/2012 budget considerations.

Yours faithfully,

BR Thompson
Chief Executive Officer
5th April 2011
Yarra Yarra Catchment Regional Council  
Early Preliminary Budgets for 2011/2012

**Proposed Income**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Estimated opening balance 01/07/2011</td>
<td>54,000.00</td>
</tr>
<tr>
<td>Bank interest</td>
<td>2,000.00</td>
</tr>
<tr>
<td>Administration earned from NRMO grants</td>
<td>20,000.00</td>
</tr>
<tr>
<td>NRMO Regional Services Grant</td>
<td>180,000.00</td>
</tr>
<tr>
<td>Members contribution 2011/2012</td>
<td>24,000.00</td>
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<tr>
<td><strong>Total income</strong></td>
<td>$ 280,000.00</td>
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**Proposed Expenditure**

**Governance**

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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Members attendance fees</td>
<td>1,400.00</td>
</tr>
<tr>
<td>Members travel</td>
<td>2,000.00</td>
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<td><strong>Total</strong></td>
<td>3,400.00</td>
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**Administration**

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<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>CEO salary 8hrs/week x 48 @ $41/hr</td>
<td>15,748.00</td>
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<tr>
<td>Accrued A/L (owed)</td>
<td>5,330.00</td>
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<tr>
<td>Superannuation 14%</td>
<td>2,200.00</td>
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<tr>
<td>Motor Vehicle travel</td>
<td>3,000.00</td>
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<tr>
<td>Provision of Office</td>
<td>2,000.00</td>
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<tr>
<td>Communications</td>
<td>3,000.00</td>
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<td><strong>Total</strong></td>
<td>31,278.00</td>
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<table>
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<tr>
<td>Finance Officer salary 7hr/wk x 48 @ $32/hr</td>
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<tr>
<td>Superannuation 9%</td>
<td>1,000.00</td>
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<td>Stationery/communications</td>
<td>1,400.00</td>
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<td>Motor Vehicle travel</td>
<td>1,200.00</td>
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<td><strong>Total</strong></td>
<td>14,352.00</td>
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**Economic Services**

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</thead>
<tbody>
<tr>
<td>NRMO Regional Services</td>
<td>200,000.00</td>
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<tr>
<td>Less 10% administration</td>
<td>see above in income</td>
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<tr>
<td>Provision for future projects contribution</td>
<td>11,970.00</td>
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<td><strong>Total</strong></td>
<td>211,970.00</td>
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**Other**

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<tbody>
<tr>
<td>Legal Expenses</td>
<td>6,000.00</td>
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<tr>
<td>Audit expenses</td>
<td>12,000.00</td>
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<tr>
<td>Bank charges</td>
<td>400.00</td>
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<td>Sundries</td>
<td>600.00</td>
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<td><strong>Total</strong></td>
<td>19,000.00</td>
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**Total Expenditure**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 280,000.00</td>
</tr>
</tbody>
</table>
At its last meeting the YYCRC held Tuesday 15th February 2012 the CEO was requested ASAP to provide a preliminary budget for the 2011/2012 financial year with a number of scenarios of varying numbers of members to allow all Member Councils to give consideration to the continuation of the Regional Council as a recognised local government entity. The Shires of Dalwallinu, Koorda and Wongan-Ballidu have formally applied as under the provisions of the Establishment Agreement timelines, given notice to withdraw from the YYCRC which would apply as from the 1st July 2011. All members have expressed a desire for the Regional Council to remain in place and the withdrawing Members have also expressed a view that they would be prepared to reconsider their respective positions if costs could be considerably reduced.

Attached is a preliminary budget, the budget has a reduced membership component of almost 70% and the following is the scenarios utilising that estimated reduced contribution for 2011/2012.

### 6 Way split

<table>
<thead>
<tr>
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<th>2010/2011 Budget</th>
<th>2011/2012 Budget</th>
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</thead>
<tbody>
<tr>
<td>WB</td>
<td>3.4%</td>
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<tr>
<td>KD</td>
<td>5.2%</td>
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<tr>
<td>TS</td>
<td>8.6%</td>
<td>$7,052.00</td>
</tr>
<tr>
<td>MO</td>
<td>24.7%</td>
<td>$20,254.00</td>
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<tr>
<td>PJ</td>
<td>28%</td>
<td>$22,960.00</td>
</tr>
<tr>
<td>DL</td>
<td>30.1%</td>
<td>$24,682.00</td>
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<tr>
<td></td>
<td></td>
<td>$7,224.00</td>
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### 4 Way split (less WB & KD)

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<th>2011/2012 Budget</th>
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</thead>
<tbody>
<tr>
<td>TS</td>
<td>9.41%</td>
<td>$2,258.00</td>
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<tr>
<td>MO</td>
<td>27.02%</td>
<td>$6,484.00</td>
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<tr>
<td>PJ</td>
<td>30.64%</td>
<td>$7,353.00</td>
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<tr>
<td>DL</td>
<td>32.93%</td>
<td>$7,903.00</td>
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### 3 Way split (less WB, KD, & DL)

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<th>2011/2012 Budget</th>
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<tr>
<td>TS</td>
<td>14%</td>
<td>$3,360.00</td>
</tr>
<tr>
<td>MO</td>
<td>40.3%</td>
<td>$9,672.00</td>
</tr>
<tr>
<td>PJ</td>
<td>45.7%</td>
<td>$10,968.00</td>
</tr>
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</table>

It was noted at the last meeting by Council that the YYCRC is responsible for the administering of regional services provided by the NRMNs and this funding is provided to YYCRC by Northern Agricultural Catchments Council for the provision of such services, there is no indication that this funding will not continue under the provisions of the Federal NRM program Caring for Our Country.

It was also noted that whilst NRM funding for capital expenditures for dryland salinity control were currently not in favour at Federal or State level that is not to say that permanent salinity control measures funding will not come back in vogue and Council was of the opinion that the YYCRC was needed to be in place to be a recognised creditable regional organisation that was available to manage such funds when opinion swung the other way.
Executive Summary:

The State Government intends to regulate new requirements for Planning for the Future.

Applicants Submission:

The Minister has written to Local Governments advising of the intention to amend the Local Government (Administration) Regulations 1996 to include new planning provisions which provide layers of planning. These will include the requirement for:

1. A Strategic Community Plan looking at a 10 year plus planning horizon. This plan would have a major review every four years and a minor review every two years;

2. A Corporate Business Plan looking at a 4 to 5 year planning horizon. This plan would have major and minor reviews aligned to reviews of the Strategic Community Plan.

3. The annual budget provides the year to year financial plan.

These three levels of planning will be supported by documents that are referred to as Informing Strategies. These will include at a minimum:

- A 10 + year Asset Management Strategy;
- A 10 + Year Financial Management Strategy; and
- A 4 + Year Workforce Strategy.

Other enabling strategies would include the Strategic Recreation Plan, the Forward Capital Works Plan; the 10 Year Plant Replacement Plan. Changes to the regulations will be gazetted in July 2011 and Local Governments will have until 1 July 2013 to be compliant.

Background:

On October 2010 the Department published a document entitles Integrated Planning and Reporting – Framework and Guidelines. The proposed changes to regulations are giving effect to that framework.
Statutory Environment:

Local Government Act 1995 S5.56 sets out the requirements for a Plan for the Future, and is informed by the Local Government (Administration) Regulations 1996 R19C and 19D.

Policy Implications:

Nil

Financial Implications:

The process involved in developing the new plans will be substantial, and will be a steep learning curve for staff involved.

Strategic Implications:

The planning framework is sound as is the intent of a strong community focus. The Perenjori community has trusted its Council to develop the Shire and pursue a strategy of economic diversification. We need to ensure that those long term strategic goals that deliver significant community benefits are not lost.

Consultation:

During the structural reform process the Perenjori community was very engaged. The challenge is to replicate that level of participation and involvement in planning processes.

One of the downsides of the structural reform process has been the focus on regional rather than local issues. We need to refocus again on the local community issues.

The CEO has had some discussions with Sue Middleton from Brennan Rural Group about the development of the Strategic Community Plan. Sue was the 2010 RIRDC 2010 Rural Woman of the Year and played a pivotal role in developing significant community projects in Wongan Hills, including the Child Care Centre. She would be a good fit with some of our possible strategies as identified in the Forward capital Works Plan.

Comment:

The CEO, DCEO and CDO will participate in the Integrated Planning Master Class for this region scheduled for Dongara on 6 and 7th September 2011.

In the meantime we have sufficient information to prepare a brief to obtain a quote from Sue Middleton to develop the Strategic Community Plan. I think the brief should include some involvement from local consultants both for local knowledge and skills transfer.

Perenjori has an enviable history of developing innovating and challenging strategic objectives. There may not have been sufficient community buy in for these plans and this provides us with a good opportunity to do better. As we have found with strategies like whole of life costing, 10 year plant replacement plans and establishment of staff housing reserves, once these approached have become part of our internal culture they have not been difficult to maintain.

Management guru Graeme Edwards is quoted as saying “It’s not the plan that’s important, it’s the planning”. Good process will produce its own rewards.

Voting Requirements:

Absolute Majority
Officers Recommendation:

1. That Council note the proposed changes to Local Government strategic planning requirements;
2. That Council authorise the CEO to prepare a brief to obtain a quote from Sue Middleton of Brennan Rural Group for the Development of a Strategic Community Plan; and
3. That Council allocate $20,000 in its 2011/12 budget for strategic planning.

COUNCIL RESOLUTION

Moved: Cr JH Hirsch  Seconded: Cr CR King

1. That Council note the proposed changes to Local Government strategic planning requirements;
2. That Council authorise the CEO to prepare a brief to obtain a quote from Sue Middleton of Brennan Rural Group for the Development of a Strategic Community Plan; and
3. That Council allocate $20,000 in its 2011/12 budget for strategic planning.

Carried: 6/0
Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Our Ref: M1102091

Cr Chris King
President
Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Dear Cr King

PLAN FOR THE FUTURE – REGULATORY CHANGES

I am writing to update you on the implementation of the new Integrated Planning and Reporting Framework for local governments in Western Australia. I regard this as a significant initiative which will strengthen the capacity of local governments to plan strategically for their communities.

In order to implement this initiative, I am proposing to amend regulations 19C and 19D of the Local Government (Administration) Regulations 1996, which define the requirement for local governments to develop a plan for the future. The new regulations will require local governments to develop and adopt a Strategic Community Plan and a Corporate Business Plan. A July 2011 gazetted date is anticipated, after which the Department will issue an explanatory circular.

Local governments will be expected to be fully compliant with the new regulations by 1 July 2013 and to take the contents of the new Plans into account when preparing their annual budgets for the 2013/2014 financial year. This means that the sector has approximately two years to prepare for full implementation of the new planning framework.

The Strategic Community Plan, as you would be aware, is a principal planning document, in which Council (with community input) will establish aspirations and priorities for the local government. The Corporate Business Plan, on the other hand, is an operational and financial planning instrument that will demonstrate the local government’s capacity to deliver and/or achieve Council priorities from the key focus areas and objectives that were identified in the Strategic Community Plan.

The current requirement for two-year reviews of existing Plans for the Future will be removed, whilst transitional arrangements in the regulations will give local governments the option to develop and adopt the new Plans prior to 30 June 2013, should they wish to do so. A timeline to assist you in this regard is attached.
The regulations will detail, in broad terms, the requirements of the two Plans, their relationship to one another, the time period they will cover, and arrangements for consultation, review and adoption. All of this information is available in the *Integrated Planning and Reporting Framework and Guidelines*, which may be downloaded from the Local Government Reform/Integrated Strategic Planning pages of the Department’s website (www.dlg.wa.gov.au).

Further tools and resources to assist local governments in their overall planning activities that will become available in coming months include:

- An Advisory Standard on Strategic Community Plans and Corporate Business Plans, which will identify the level of planning detail expected of differing local governments depending on their size, location and other factors and will provide some model examples;

- Frameworks and Guidelines relating to Asset Management and Long Term Financial Planning, as well as a Workforce Planning and Development Guide; and

- Integrated Planning Master Classes, to be offered State-wide by Local Government Managers Australia WA Division (LGMA) and supported by the Department.

For further information, please contact Wendy Murray, Executive Director, Strategic Policy and Local Government Reform (wendy.murray@dlg.wa.gov.au or telephone 9217 1440).

Yours sincerely

[Signature]

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

att

cc: Chief Executive Officer, Shire of Perenjori
Executive Summary:
The Department of Agriculture and food has advised that the Shires appointment of a delegate to the Waddi Forrest LCDC expired on 31 March 2011.

Applicants Submission:
There is provision for a Shire appointment to the LCDC. If the Shire wishes to maintain representation it will need to nominate a delegate.

Background:
Cr Reid is the previous delegate. He can be re-appointed.

Statutory Environment:
The Soil and Land Conservation Act 1945 – Part IIIA makes provision for the establishment of Land Conservation District Committees. S 23 (2b)(b) provides that the local government/s may nominate members to the commissioner.

Policy Implications: Nil

Financial Implications:
Meeting fees and travel expenses.

Strategic Implications:
Land conservation is an important issue for the ongoing viability of agriculture.

Consultation: Nil

Comment: Nil

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council appoint a delegate to the Waddi Forest Land Conservation District Committee.
Moved: Cr JH Hirsch
Seconded: LC Butler
That Council appoint Cr GK Reid as a delegate to the Waddi Forest Land Conservation District Committee
Carried: 6/0
11055.10  WALGA ANNUAL CONVENTION AND EXHIBITION

APPLICANT:  WALGA
FILE:  0
DISCLOSURE OF INTEREST:  0
AUTHOR:  STAN SCOTT – CEO
________________________
RESPONSIBLE OFFICER  STAN SCOTT – CEO
________________________
REPORT DATE:  10 MAY 2011
ATTACHMENTS  Brochures circulated

Executive Summary:
The Annual Local Government Convention and Exhibition will be held again at the Perth Convention Exhibition Centre from 4 to 6 August 2011.

Applicants Submission:
The Convention
The convention consists of two and a half full days of presentations and concurrent sessions on Thurs 4 August through to Midday on Saturday 6 July. On Saturday afternoon is the WALGA AGM where member motions are debated.

Additional events include:
- Breakfast with Justin Langer on Friday
- Gala Dinner Saturday night
- Partners program – series of individual events over 3 days.

Annual General Meeting
Council also needs to appoint two voting delegates for the AGM. In the past this has generally been the President and Deputy President if attending. Council can also appoint proxy delegates in case either delegate is unavailable unexpectedly.

The Annual General Meeting is the opportunity for sector representatives to debate and adopt motions seeking action by WALGA or other levels of government. Each member Local Government has an opportunity to propose motions.

The closing date for motions is 13 June 2011. This is before the next Ordinary Council Meeting, so any motions would need to be considered at today’s meeting.

Training Events prior to the convention
WALGA is also offering a number of training 10 days leading up to the convention. There are 10 individual full day units available, and each unit costs $395.

Each of these units can be delivered on demand in country areas, and if there is sufficient demand we can arrange
Background:

Each year elected members are given the option of attending. The following is an extract from the convention program:

THE CONVENTION IN BRIEF

Amid a time of global, national and local challenges the underpinning theme for this year is LOCALISM – LEADING THE WAY designed to address the challenges that our changing society presents. The conference program will focus on the three major matters of population, the economy and environmental sustainability. In addition to the plenary presentations there is also a series of concurrent streams and off site field visits included.

Heralded as a “national treasure” in the UK, the opening address will be delivered by Sir Ranulph Fiennes Bt OBE who is listed in the Guinness Book of World Records as the World’s Greatest Living Explorer. At the forefront of over 30 exploratory and legendary expeditions around the world, Sir Ranulph has also raised over $11 million for charity, for which in 2000 he was awarded the Order of the British Empire for human endeavour and charitable services. An innate planner, Sir Ranulph illustrates what it takes to achieve outstanding goals to reinforce the power of determination.

On Friday the special guest speaker for this year’s Convention Breakfast is one of Australia’s sporting greats, Justin Langer AM. Along with Matthew Hayden, Justin formed a hugely successful opening partnership, which ranks as the best in Australian cricket history.

Prior to the scheduled sector AGM on Saturday, the conference will culminate with a personal historical perspective on the dramatic development of China. Dr Jung Chang, world-renowned author of the internationally acclaimed book Wild Swans – Three Daughters of China, will provide a truly unique viewpoint on understanding Chinese culture and its economic development.

The participating trade exhibitors will also demonstrate their exceptional support to Local Government through a diverse range of services and products—all attendees are encouraged to visit these display sites to discuss sector specific products and services with their representatives.

Who should attend?

The Convention and Trade Exhibition is presented specifically for all those engaged in the Local Government sector.

The conference sessions aim to support and inform Mayors, Presidents, Elected Members and Chief Executives. Additional attendance by General Managers and Directors and other senior managers is also highly recommended. Available options include full conference participation and daily registration.

Local Government Officer program – Thursday 4 August (full details enclosed).

A selection of special sessions is also available to Local Government Officers which will inform and provide networking support for those involved in policy development and management. Areas include human resources, emergency and risk management, technology, health and governance. Officers are also welcome to register for the Convention Breakfast with Justin Langer on Friday 5 August.
Elected Member professional development opportunities

WALGA Training courses are offered for several days during Sunday 24 July to Wednesday 3 August to coincide with the period leading up to the 2011 Local Government Convention. Registration form is enclosed herewith and also can be downloaded from www.walga.asn.au – Convention link.

Special breakfasts

- Thursday ICLEI Oceania Water Campaign Recognition and Briefing Breakfast
- Friday Convention Breakfast with Justin Langer
- Saturday ALGWA AGM and Breakfast
- Perth Biodiversity Awards and Climate Change Recognition Breakfast

Social activities

The Partner Program offers an interesting range of options for accompanying guests, and social networking functions include the Sundowner and the closing Gala Dinner on Saturday evening – always the social highlight of the annual gathering.

Statutory Environment:

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

Policy Implications: Nil

Financial Implications:

Council spends around $10 -12,000 per year on participation in this event.

Strategic Implications:

The networking and professional development opportunities are important.

Consultation: Nil

Comment: Nil

Voting Requirements:

Simple majority

Officers Recommendation:

1. That Elected Members advise if they wish to attend this year’s convention.
2. That Elected Members advise if they wish to attend any of the training leading up to the convention.
3. That Council appoint two delegates, and up to two proxy delegates to represent Council at the AGM.
4. That Council determine whether it wishes any notices of motion to be developed for the WALGA AGM.

COUNCIL RESOLUTION

Moved: Cr CM Johnston Seconded: Cr JH Hirsch

1. That Elected Members advise if they wish to attend this year’s convention.
2. That Elected Members advise if they wish to attend any of the training leading up to the convention.

3. That Council appoint Cr CR King and Cr LC Butler to represent Council at the AGM.

4. That Council determine whether it wishes any notices of motion to be developed for the WALGA AGM

Carried: 6/0
Executive Summary:
The *Local Government (Administration) Regulations 1996* have been amended.

Applicants Submission:
The Amendments to the *Local Government (Administration) Regulations 1996* include the following changes.

**Regulation 18A** provides exemption from advertising CEO’s positions when they are shared between Local Governments.

**Regulation 29B** restricts the availability of electoral or ratepayer information to non-commercial purposes;

**Regulation 30** extends the availability of meeting fees to a range of additional meetings;

**Regulation 34AD** makes provision for access to a Council vehicle as an acceptable alternative to reimbursement of travel expenses.

**Regulation 34AC** restricts the giving of gifts to elected members by the Shire, and limits gift giving to retiring members, and to $100 per year of service to a maximum $1000.

Background:
The amendments were as a result of new regulation making powers incorporated in changes to the Act in 2009, and included consultation with WALGA and LGMA.

Statutory Environment:
The *Local Government (Administration) Regulations 1996* provide guidance on many of the arrangements surrounding the operation of Council.

Regulation 30 (3A) states:

(3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —

(a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
(b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;

(c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;

(d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;

(e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

(3B) For the purposes of section 5.98(2A), subject to subregulation (3C), and subregulation (3) or (5) as the case requires —

(a) the minimum fee for a council member attending a meeting of a type referred to in subregulation (3A) is $30 for each meeting; and

(b) the maximum fee for a council member attending a meeting of a type referred to in subregulation (3A) is $70 for each meeting.

Policy Implications:

Elected members when appointed as Council delegate to external committees may receive meeting fees and expenses. Council will need to determine whether to reimburse travel expenses.

Financial Implications:

While the regulations are explicit in relation to meeting fees for external meeting, the do not make explicit reference to travel expenses for external meetings. The CEO estimates that if a $50 fee is applied to external meetings, the cost would approximate $2,500 per year. Reimbursement of travel expenses is more difficult to estimate, but would be around $2,500 for regular meetings (Zone, RRG etc) and around the same for ad hoc meetings.

Strategic Implications:

Nil

Consultation:

The amendments were developed in consultation with WALGA and the LGMA.

Comment:

The change with the most immediate impact is the application of payment of meeting fees for attendance at external meetings as a representative or delegate of Council. Council needs to set these fees in the same way that Council sets meeting fees for Council or committee meetings. It is important to note that these fees are entitlements, and Council needs to be aware that when it appoints members to committees that expenses will attach. This may impact on whether Council agrees to make an appointment.

The other issue that Council needs to consider is whether it reimburses travel expenses for external meetings.

- Reg 31 stipulates that travel expenses must be reimbursed for Council or committee meetings, but this does not extend to other meetings.
Reg 32 allows the reimbursement of expenses incurred by elected members to be improved for reimbursement.

The regulations allow meeting fees in the range of $30 to $70. It is proposed that the fee be set at $50. As a matter of policy it is proposed that Council approve reimbursement of travel expenses in relation to any meeting for which the meeting fee would apply.

**Voting Requirements:**

Absolute Majority

**Officers Recommendation:**

That pursuant to Regulation 30(3B) of the *Local Government (Administration) Regulations 1996* that council sets the fee for representing Council at meetings of the type prescribed at Regulation 30 (3A) at $50.00.

That pursuant to Regulation 32, Council approves the reimbursement of travel expenses to attend meetings of the type prescribed in Regulation 30 (3A) subject to reasonable evidence that the expense has actually been incurred.

That Council budget as follows for the 2011/12 budget:

- Meeting fees – prescribed meetings: $2,500
- Travel Expenses – prescribed meetings: $5,000

**COUNCIL RESOLUTION**

Moved: Cr JH Hirsch

Seconded: Cr GK Reid

That pursuant to Regulation 30(3B) of the *Local Government (Administration) Regulations 1996* that council sets the fee for representing Council at meetings of the type prescribed at Regulation 30 (3A) at $50.00.

That pursuant to Regulation 32, Council approves the reimbursement of travel expenses to attend meetings of the type prescribed in Regulation 30 (3A) subject to reasonable evidence that the expense has actually been incurred.

Carried: 6/0
11056 OTHER BUSINESS

11056.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

- WALGA – Local Government News Issues 15.11, 16.11, 17.11, 18.11
- WALGA – Infopage – Local Government Employees Award Coverage
- WALGA – Infopage – Public Comment Wheatbelt Land Use Planning Strategy
- WALGA – Infopage – Natural Disaster Resilience Program 2010/2011
- WALGA – Safe System News
- MWAC Information Bulletin Issue 148
- Correspondence from Office of Deputy Commissioner Western Australia Police – WA Police business continuity during October 2011
- Correspondence from Australian Local Government Association – 28/04/11
- Correspondence from Department of Regional Development and Lands – Royalties for Regions Progress Report 2009/2010
- Correspondence from Dring and Co – Perenjori Roads – 24/03/11
- Mining Chronicle – May 2011
- Australia’s Golden Outback 2011/2012
- Prospect – April – May 2011
- Statewide – Autumn 2011 Issue 148
- Government News – Volume 31
MINUTES

11056.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

11056.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Karara Iron Ore Transport Arrangements

APPICANT: KARARA MINING LTD
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO
RESPONSIBLE OFFICER STAN SCOTT – CEO
REPORT DATE: 18 MAY 2011
ATTACHMENTS Letter and proposal

Executive Summary:
Karara Mining is seeking Council’s support for two proposals:

- Trucking Iron Ore to Geraldton Port using the same route as Sinosteel Midwest; and

- Trucking Iron Ore to a railhead at Three Springs.

Applicants Submission:

Karara to Geraldton
Karara has submitted a proposal to Main Roads and all affected Local Governments in relation to the Geraldton proposal. The only impact on Perenjori residents would be sharing the road with more trucks when travelling to and from Geraldton. The route within the Shire of Perenjori is Mungada Road, which has been upgraded and sealed by Karara, and most of which is in any event not a gazetted road.

Karara to Three Springs
The second proposal has much more direct impact on Perenjori the proposal consists of the following:

- Trucking ore from Karara to a railhead in Three Springs;
- Using local contractors operating RAV4 trucks, up to 27.5 metres long, with a loaded weight of 87.5 tonne and a payload of approx 49 tonne.
- Approximately 54 loaded trucks per day, for a total of 108 truck movements.

The proposed route is as follows:
- Karara Road;
- Warriedar Copper Mine Road;
Shire of Perenjori

Ordinary Meeting

MINUTES  
2nd June 2011

- Perenjori Rothsay Road;
- Wubin Mullewa Road;
- Perenjori Carnamah Road;
- Midlands Road, and
- Return empty by the same route.

**Background:**

Karara is keen to export haematite by is limited by lack of rail access until the line upgrade is completed. The two pronged strategy will allow access to the western rail corridor and directly to port by truck.

**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:**

Karara presently funds maintenance on the access roads to its mine site, and will eventually upgrade the route between Perenjori Rothsay Road and the mine site. Karara will need to negotiate a contribution to Mount Gibson for the upgraded section of Perenjori Rothsay Road. The other affected Road will be Perenjori Carnamah.

**Strategic Implications:**

Karara is of significant strategic importance for the Shire of Perenjori.

**Consultation:**

Greg Payne from Karara Mining will attend the

**Comment:**

There is no significant impact on Perenjori residents of the Karara to Geraldton proposal. Karara's approach is predicated on using local contractors with smaller combination vehicles, maximising the local content.

The Karara to Three Springs proposal while putting ore on rail for some of the journey does create some issues. The primary concerns are:

- The number of truck movements past the primary school, and
- The suitability of Perenjori Carnamah Road for the task, particularly with trucks passing in both directions.

One possibility would be to suggest that the loaded route be diverted via Bunjil Carnamah Road. This would add approximately 12 km to the journey. Trucks could return via Perenjori Carnamah Road. This would reduce truck movements past the primary school by half, and would ensure that truck are not regularly meeting on the narrow wising sections of Perenjori Carnamah Road.

Council also needs to consider what conditions it might seek to impose. For example:

- 80 kph speed limit on certain sections;
- Only operating during daylight hours.
Finally Council needs to be even-handed in its treatment of mining companies accessing shire roads. Mount Gibson Iron has a road use agreement under which it upgraded and maintains 80 km of road and pays a public benefit contribution that equates to 10c per tonne.

Karara will need to make good any damage to affected roads. This distance travelled on Shire roads approximates 80 km, so a contribution similar to that agreed by Mount Gibson would not be unreasonable.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

1. That Council provides a letter of support for Karara Mining for the proposal to cart ore by road between Karara and Geraldton.

2. That Council provides in principle support for Karara Mining to truck ore from Karara to a rail siding in Three Springs, and authorises the CEO and Shire President to negotiate conditions consistent with the following:
   - That Karara makes good on any damage to Shire Roads; and
   - That the route and or operating conditions minimise safety issues for pedestrians and other road users; and
   - Karara consult directly with Mount Gibson in relation to impacts on the section of Perenjori Rothsay Road for which they are responsible; and
   - That approval is subject to negotiating an appropriate public benefit contribution

**COUNCIL RESOLUTION**

Moved: Cr GK Reid  
Seconded: RP Desmond

1. That Council provides a letter of support for Karara Mining for the proposal to cart ore by road between Karara and Geraldton.

2. That Council provides in principle support for Karara Mining to truck ore from Karara to a rail siding in Three Springs, and authorises the CEO and Shire President to negotiate conditions consistent with the following:
   - That Karara makes good on any damage to Shire Roads; and
   - That the route and or operating conditions minimise safety issues for pedestrians and other road users; and
   - Karara consult directly with Mount Gibson in relation to impacts on the section of Perenjori Rothsay Road for which they are responsible; and
   - That approval is subject to negotiating an appropriate public benefit contribution
That Karara develop a safety plan for the Primary School including a foot path along Carnamah Road

That an 80km speed restriction apply to both loaded and unloaded trucks within the Shire of Perenjori

That Karara pay for an audit of road conditions prior to commencement; and

That approval is until 31/10/11 only.

Carried: 6/0

8.05pm – Cr Laurie Butler left the Chambers

8.08pm – Cr Laurie Butler returned to the Chambers
11056.4.2 CHANGED RAIL ARRANGEMENTS

APPLICANT: MOUNT GIBSON IRON
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO

RESPONSIBLE OFFICER: STAN SCOTT – CEO

REPORT DATE: 18 May 2011
ATTACHMENTS: NIL

Executive Summary:
Mount Gibson Iron is seeking Council’s support to temporarily vary its rail arrangements.

Applicants Submission:
Mount Gibson Iron intends to commence shipment of haematite from its Extension Hill project from July 2011. When Extension Hill commences operations Mount Gibson will be transporting 4 discrete products through Geraldton Port. That is lump and fines from Tallering Peak and lump and fines from Extension Hill.

There has been a delay in the installation of the new rail unloader at the Geraldton Port which limits Mount Gibson’s capacity to effectively handle the range of iron ore products it will be delivering. One possible solution is the batching of iron ore products – that is dealing with one product at a time responding directly to shipping schedules. If this approach were used for the first 6 or so months of operations rather than the anticipated 2 trains per days there could be up to 4 trains per day some weeks, and no trains at all other weeks.

Background:
The Mount Gibson Extension Hill project operates under conditions set by the EPA. If Mount Gibson seeks to change these conditions they will need to be able to demonstrate that they have consulted with stakeholders.

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:
When Mount Gibson commences trucking the Public Benefits Agreement takes effect.

Strategic Implications:
The Mount Gibson project has been central to Council’s strategic thinking for the last decade.
Consultation:
Peter Panek from Mount Gibson will be making a presentation to the Council Forum.

Comment:
While Mount Gibson is operating on 4 trains per day there may be considerable inconvenience. As the trains will be either speeding up loaded or slowing down as they pass through town, and each train is close to a kilometre long there will be something of a wait at the level crossings in town and north and south of town. These arrangements will still be in place at harvest.

On the other hand it is only a temporary arrangement and will be offset to some degree by those times when no trains are running.

It appears that Tallering Peak has approximately two years remaining life. Mount Gibson may seek to increase production from Extension Hill when that occurs. Those periods when 4 trains per day are running will provide good insight into the potential implications if this was to occur in the future.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council provide its support for a temporary change to Mount Gibson’s operating arrangements to allow up to 4 trains per day from July to December 2011.

COUNCIL RESOLUTION
Moved: Cr RP Desmond  Seconded: Cr CM Johnston

That Council provide its support for a temporary change to Mount Gibson’s operating arrangements to allow up to 4 trains per day from July to December 2011.

Carried: 6/0
11056.4.3 SALE OF VACANT LAND

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO

RESPONSIBLE OFFICER STAN SCOTT – CEO

REPORT DATE: 18 MAY 2011
ATTACHMENTS

Executive Summary:
It is proposed that Council invite tenders for the purchase of lot 56 Crossing Street Perenjori.

Applicants Submission:
Lot 56 Crossing Street Perenjori is vacant land just over 1.2 hectare in size. It consists of the western half of the vacant land between the Caravan Park and Livingstone Street. The purpose of the invitation to tender is to test the level of interest from developers. Inviting tenders does not commit Council to selling the land but is a useful tool for gauging genuine interest.

Background:
There have been informal enquiries on this lot, and inviting tenders will establish the level of genuine interest.

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

Policy Implications:
Nil

Financial Implications:
The land could be subdivided into 10 to 12 residential lots.

Strategic Implications:
Council is seeking to encourage development of the townsite.

Consultation:
Nil

Comment:
Council will need to determine whether or not to place any conditions on any sale. Residential and industrial blocks have been sold with the condition that development must commence within 30 months of purchase. If development does not occur
Council has the option to repurchase the land at the price paid. This is designed to encourage development but discourage speculation on land values.

The tender specification can include provision for tenderers to indicate their intentions in relation to the land.

**Voting Requirements:**

Absolute Majority

**Officers Recommendation:**

1. That Council invite tenders for the purchase of Lot 56 Crossing Street Perenjori;
2. That the tender include the 30 month development clause applied to other recent land sales;
3. That the tender specification includes provision for tenderers to indicate the intended use of the land.

**COUNCIL RESOLUTION**

Moved: Cr CM Johnston
Seconded: Cr JH Hirsch

1. That Council invite tenders for the purchase of Lot 56 Crossing Street Perenjori;
2. That the tender include the 30 month development clause applied to other recent land sales;
3. That the tender specification includes provision for tenderers to indicate the intended use of the land.

Carried: 6/0
Executive Summary:

Each Local Government is required to conduct a budget review between 1 January and 31 March each financial year. A budget review is a detailed comparison of the year to date actual results with the adopted budget.

This review was undertaken at the April Council meeting. Council’s attention is now drawn to 2 adjustments which have subsequently become apparent.

Applicants Submission:

The adjustments and their effect on the Statement of Financial Activity are set out on the attached schedule.

The budget amount for Swimming Pool Maintenance should be increased by a further $20,000 and the amount due to MidWest Transportables as their share of the surplus on the results of the CVP Village operations should be increased by a further $55,000.

Background:

- The review has been carried out by senior staff responsible for their own budgets.
- Council is to consider the review and determine whether or not to adopt the review, any part of the review or any recommendations made in the review.
- Within 30 days after Council has made its determinations, a copy of the review and determination is to be provided to the Department of Local Government.

Statutory Environment:

The requirement is covered by Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FM Regulations).

Policy Implications:

Nil
Financial Implications:
The budget review fine tunes the budget for the balance of the year, taking account all senior staff.

Comment: The effect of these two amendments is to reduce the projected level of working capital from $245,504 to $170,504. of changed circumstances that were not evident when the budget was adopted.

Strategic Implications:
Council has committed to strategic investments in housing, community facilities and the aerodrome.

Consultation:
The budget review reflects changes agreed by Council during the year, and has the input of

Voting requirements: Simple majority

Officers Recommendation:
That Council notes the amendments to the 2010/2011 Budget Review.

Item Noted

8.21pm – Stan Scott returned to the Chambers
Executive Summary:

Council is required by the Act and the CEO’s Employment Contract to review the CEO’s performance annually. The CEO’s current contract of Employment expires on 30th June 2012.

Applicants Submission:

Performance Review

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

Features of the process are:

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

Salary Review

Section 6 of the Agreement makes provision for an annual salary review. At the review in 2008 Council set salary adjustments for 2009 and 2010. There was no predetermined salary increase as part of the extension agreed in August 2009.

Expiry of Contract

The Employment Contract has the following provision:

There is no compulsion on either the Council or the CEO to agree to a new Contract. The Council and/or the CEO shall initiate discussions not later than 6 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 3 months prior to the expiry of the term of this Contract. In the event that the Council and the CEO agree to a new contract, a new contract will be executed.
This means that Council and the CEO must commence discussions no later than 1 January 2011, and complete negotiations no later than 31 March 2012 if the contract is to be extended.

Council may choose in the meantime to authorise the President and CEO to commence discussions in relation to a new contract if Council would like to see the CEO continue.

**Background:**
The CEO and Council negotiated a new contract in June 2008, and in August 2009 an extension to that contract to 30 June 2012.

**Statutory Environment:**

**Policy Implications:**
Nil

**Financial Implications:**
Council has budgeted $2,000 for a performance review should Council decide to engage a consultant.

**Strategic Implications:**
Nil

**Consultation:**
The nominated Reviewing Person will need to be in a position to gain feedback from Council on their views on the CEO’s performance. This may be accomplished through:
- Written feedback to the reviewing person
- Council going behind closed doors in the absence of the CEO to provide oral feedback
- If Council elects to appoint a consultant, a special meeting may be needed.

Attached to this month’s agenda is a Councillor Assessment Form. This form has been used successfully for the last 2 reviews.

**Comment:**
The process set out in the contract is the default process if no alternative process is agreed between the parties.

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

In light of the commitments of Elected Members at this time of year it is recommended that Council review the CEO’s performance at the June 2010 Ordinary Meeting based on the CEO’s self assessment and the assessments by elected members.

**Voting Requirements:**
Absolute Majority

**Officers Recommendation:**
That Council review the CEO’s performance at the June 2011 Ordinary Meeting based on the CEO’s self assessment and the assessments by elected members.
COUNCIL RESOLUTION

Moved: Cr CM Johnston  Seconded: Cr RP Desmond

That Council review the CEO's performance at the June 2011 Ordinary Meeting based on the CEO’s self assessment and the assessments by elected members.

Carried: 6/0
11056.5 MATTERS BEHIND CLOSED DOORS

11056.5.1 CONFIDENTIAL ITEM – HOUSING SHORTAGE

APPLICANT: PERENJORI MOTOR TORQUE
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO
________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO
________________________
REPORT DATE: 16 MAY 2011
ATTACHMENTS Letter from Perenjori Motor Torque
Outline – Wongan Ballidu Development Group

Officers Recommendation:
That the CEO arrange a meeting between Elected Members and Local Businesses with a view to developing a key worker housing strategy for Perenjori.

COUNCIL RESOLUTION

Moved: Cr CM Johnston Seconded: Cr RP Desmond
That the CEO arrange a meeting between Elected Members and Local Businesses with a view to developing a key worker housing strategy for Perenjori.
Carried: 6/0
11056.6 DATE OF NEXT MEETING / MEETINGS
The next Ordinary Council Meeting will be held on the 16th June 2011

11056.7 CLOSURE

With no further business the Ordinary Council Meeting was closed by Cr Chris King at 9.10pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held 2nd June 2011

Signed: _________________
Presiding Elected Member
Date: _________________