

## Shire of Perenjori

## MINUTES

## Ordinary Council Meeting

To be held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 18<sup>th</sup> April 2013, commenced at 1.30 pm.

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<b>13041</b>	<b>PRELIMINARIES</b>
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**13041.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

Cr C King officially opened the meeting at 1.30pm.

**13041.2 OPENING PRAYER**

Cr L Butler led council in the opening prayer.

**13041.3 DISCLAIMER READING**

**13041.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Cr CR King  
Cr LC Butler  
Cr GK Reid  
Cr JH Hirsch  
Cr LJ Smith  
Cr JR Cunningham  
Cr RP Desmond  
Cr HC Wass  
Cr PJ Waterhouse  
Ali Mills –CEO  
Carla Sanderson – Executive Assistant

**Leave of Absence**

None

**Apologies**

Doug Stead – Deputy CEO  
Ken Markham – Works Supervisor

**13041.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**13041.6 PUBLIC QUESTION TIME**

**13041.7 NOTATIONS OF INTEREST**

**Financial Interest – Local Government Act s 5.60A**

**Proximity Interest – Local Government Act s 5.60B**

**Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.**

Cr L Smith declared a Proximity Interest in item 13044.2 – Restricted Access Vehicles because her de-facto is owner of Gypsum Operations.

**13041.8 APPLICATIONS FOR LEAVE OF ABSENCE**

None

**13041.9 CONFIRMATION OF MINUTES**

Minutes of Ordinary Council meeting held 21<sup>st</sup> March are attached.

Minutes of Special Council Meeting held 12<sup>th</sup> April 2013 are attached.

**COUNCIL RESOLUTION – Item 13041.9**

**Moved: Cr L Butler**

**Seconded: Cr P Waterhouse**

**That the minutes of Special Council Meeting held Friday 12<sup>th</sup> April 2013 be seen as a true and accurate record.**

**Carried: 9/0**

**COUNCIL RESOLUTION – Item 13041.9**

**Moved: Cr R Desmond**

**Seconded: Cr H Wass**

**That the minutes of Ordinary Council Meeting held Thursday 21<sup>st</sup> March 2013 be seen as a true and accurate record.**

**Carried: 9/0**

**13041.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION**

**13041.11 PETITIONS / DEPUTATIONS / PRESENTATION**

**13042 FINANCE****13042.1 FINANCIAL STATEMENTS – FEBRUARY 2013**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0081</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>0</b>
<b>AUTHOR:</b>	<b>MEGAN SHIRT - ACCOUNTANT</b>
<b>RESPONSIBLE OFFICER</b>	<b>DOUG STEAD–DCEO</b>
<b>REPORT DATE:</b>	<b>18<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>STATEMENTS</b>

**Executive Summary**

The Local Government Financial Management Regulations, Clause 34 (1) requires that a monthly financial report be presented to Council in a form and manner preferred by the Council.

A new format for the monthly financial report is provided as a separate attachment. This format has been developed by Haines Norton, in conjunction with the Department of Local Government and is one that is generally adopted by Western Australian Local Governments. Some sheets are still under development, and will be available to Council over the next few months. This format is not mandatory, and is generally flexible, so should Council require further financial information to be included, it can be.

**Background**

The following statements are presented to Council:

- Statement of Financial Activity (Statutory Reporting by Program) - This provides the budget and actual income and expenditure for operating and non- recurrent as well and the closing surplus to date. (FM Reg 34(1))
- Net Current (Assets) Funding Position (Note 3.)-This provides the amount of assets over liabilities within the Balance Sheet. (FM Reg 34 (1)(e))
- Notes to the Financial Statements include:
  - Note 4. – Cash & Investments
  - Note 5. – Major Variances
  - Note 6. – Budget Amendments
  - Note 7. – Receivables & Rates Information

- Note 8. – Payables - Borrowings
- Note 9. - Reserves
- Note 10. - Capital Works Program ( under development)
- Note 11. - Trust Fund

The reporting requirements provide Council with a comparison between budget and actual income and expenditure as well as the funding requirements and movements for the reporting period.

**Accounts for Payment - February 2013**

Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996 requires that a list of payments be presented to Council and recorded in the Minutes of Council.

Accordingly, payments made for the period to 28 February 2013 are attached to the agenda. This report contains details of the payments made by the Shire in relation to goods & services received.

**Statutory Environment**

Local Government (Financial Management) Regulations 1996

Presentation of a monthly financial activity report is required by the *Local Government Act (section 6.4)* and *Local*

*Government (Financial Management) Regulation 34 (1)*.

Section 6.14 of the *Local Government Act 1995* grants Council the power to invest surplus funds.

Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996 requires that a list of payments be presented to Council and recorded in the Minutes of Council.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

**Consultation**

Liaison with CEO and MWRC Accountant

**Comment**

It is mandatory to comment on the variances between Year to Date Budget Estimates and Actual Expenditure as shown in the Statement of Financial Activity Income & Expenditure. For this period these variances are considered in the Budget Review elsewhere in this Agenda.

**Voting Requirements – Simple Majority****Officers and Committee's Recommendation – Item 13042.1**

1. That the Financial Reports for the period ended 28 February 2013, as attached to the Ordinary Council Agenda of 18<sup>th</sup> April 2013, be accepted.
2. That Council receives the List of Accounts paid for February 2013 as attached to the Ordinary Council Agenda of 18<sup>th</sup> April 2013.

**COUNCIL RESOLUTION – Item 13042.1**

**Moved: Cr L Smith**

**Seconded: Cr H Wass**

1. **That the Financial Reports for the period ended 28 February 2013, as attached to the Ordinary Council Agenda of 18<sup>th</sup> April 2013, be accepted.**
2. **That Council receives the List of Accounts paid for February 2013 as attached to the Ordinary Council Agenda of 18<sup>th</sup> April 2013.**

**Carried: 9/0**

**13042.2 FINANCIAL STATEMENTS – MARCH 2013**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0081</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>0</b>
<b>AUTHOR:</b>	<b>MEGAN SHIRT - ACCOUNTANT</b>
<b>RESPONSIBLE OFFICER</b>	<b>DOUG STEAD–DCEO</b>
<b>REPORT DATE:</b>	<b>18<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>STATEMENTS</b>

**Executive Summary**

The Local Government Financial Management Regulations, Clause 34 (1) requires that a monthly financial report be presented to Council in a form and manner preferred by the Council.

Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996 requires that a list of payments be presented to Council and recorded in the Minutes of Council. Accordingly, payments made for the period to 31 March 2013 are included in the attachment. This report contains details of the payments made by the Town in relation to goods & services received during the period.

**Background**

Nil

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

A new format for the monthly financial report is provided as the attachment. This format has been developed by Haines Norton, in conjunction with the Department of Local Government and is one that is generally adopted by Western Australian Local Governments. Some sheets are still under development, and will be available to Council over the next few

months. This format is not mandatory, and is generally flexible, so should Council requires further financial information to be included, it can be.

The following statements are presented to Council:

- Statement of Financial Activity (statutory Reporting by Program) - This provides the budget and actual income and expenditure for operating and capital as well and the closing surplus to date. (FM REG 34.(1))
- Net Current (Assets) Funding Position (Note 3)-This provides the amount of assets over liabilities within the Balance Sheet. (FM REG 34.(1)(e))
- List of Accounts for Payment (FM REG 13.(3))
- Other Notes to the Financial Statements include:
  - Note 1. – Significant Accounting Policies
  - Note 2. – Graphical Representation (under development)
  - Note 4. – Cash & Investments
  - Note 5. – Major Variances
  - Note 6. – Budget Amendments
  - Note 7. – Receivables & Rates Information
  - Note 8. – Payables - Borrowings
  - Note 9. - Reserves
  - Note 10. - Capital Works Program (under development)
  - Note 11. - Trust Fund

The reporting requirements provide Council with a comparison between budget and actual income and expenditure as well as the funding requirements and movements for the reporting period.

It is mandatory to comment on the variances between Year to Date Budget Estimates and Actual Expenditure as shown in the Statement of Financial Activity Income & Expenditure. For this period these variances are considered in the Budget Review elsewhere in this Agenda.

#### **Voting Requirements – Simple Majority**

##### **Officers and Committee's Recommendation – Item 13042.2**

1. That the Monthly Financial Report for the period ended 31 March 2013, as attached to the Ordinary Council Agenda of 18 April 2013, be accepted.
2. That Council accepts the List of Accounts paid for March 2013 as provided in the Monthly Financial Report and as attached to the Ordinary Council Agenda of 18 April 2013.

**COUNCIL RESOLUTION – ITEM 13042.2**

**Moved: Cr R Desmond**

**Seconded: Cr H Wass**

1. That the Monthly Financial Report for the period ended 31 March 2013, as attached to the Ordinary Council Agenda of 18 April 2013, be accepted.
2. That Council accepts the List of Accounts paid for March 2013 as provided in the Monthly Financial Report and as attached to the Ordinary Council Agenda of 18 April 2013.

**Carried: 9/0**

**13043 HEALTH BUILDING & PLANNING**

<b>13044</b>	<b>PLANT &amp; WORKS</b>
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<b>13044.1 ROAD MAINTENANCE MARCH 2013</b>
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<b>APPLICANT:</b>	<b>KEN MARKHAM – WORKS SUPERVISOR</b>
<b>FILE:</b>	<b>None</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM - WORKS SUPERVISOR</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEN MARKHAM – WORKS SUPERVISOR</b>
<b>REPORT DATE:</b>	<b>4<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

**Executive Summary**

Listed are the roads graded for the month of March.

Caron East Road

Old Perth Road

Baxter Road

Rabbit Proof Fence Road

Taylor's Road

Oversby South Road

Waddi Road

Dring Road

**Background**

Nil

**Statutory Environment**

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

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

Nil

**Voting Requirements – Simple Majority**

**Officers and Committee's Recommendation – Item 13044.1**

That the road maintenance report for March 2013 be accepted as presented.

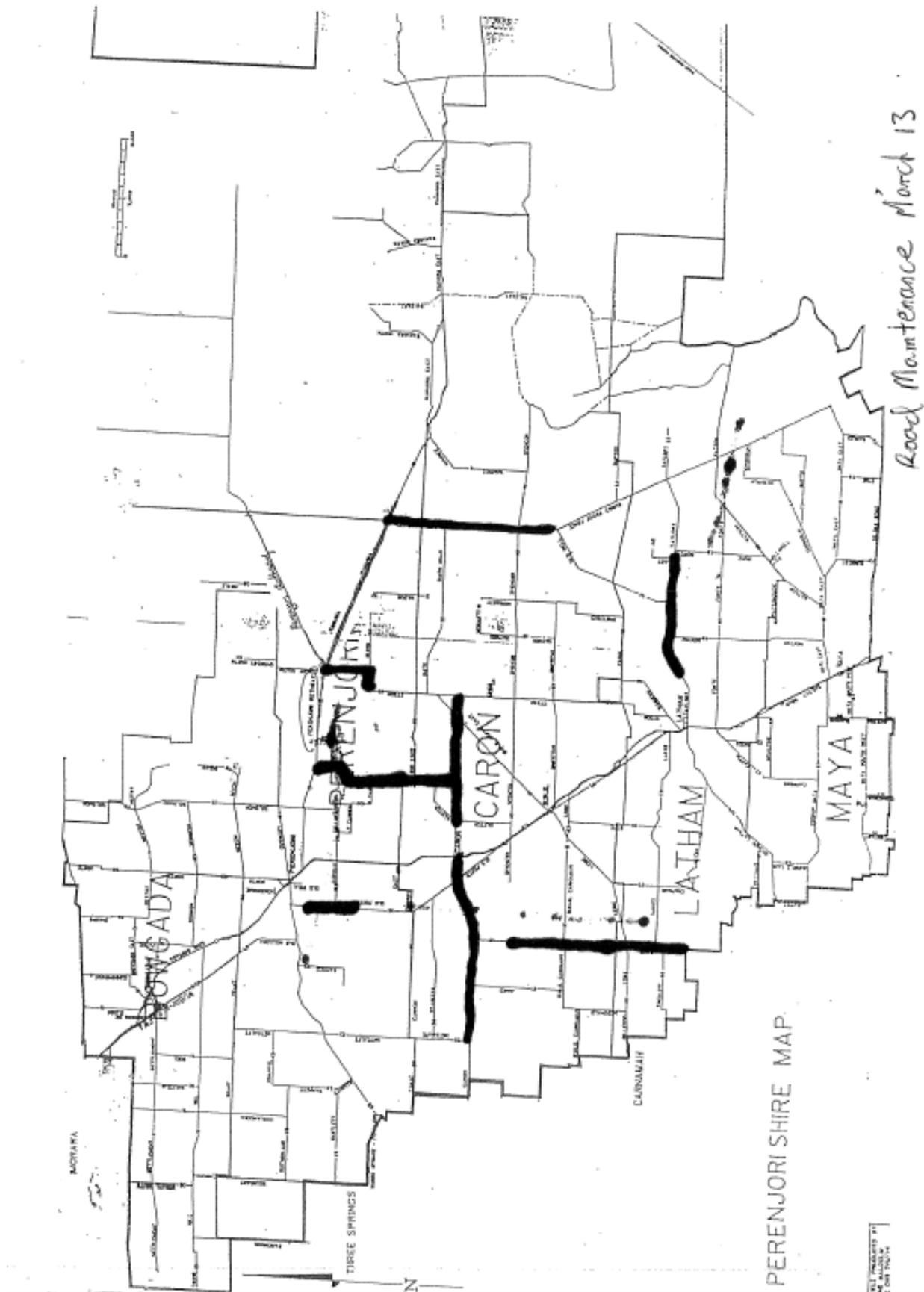
**COUNCIL RESOLUTION – Item 13044.1**

**Moved: Cr R Desmond**

**Seconded: Cr L Butler**

**That the road maintenance report for March 2013 be accepted as presented.**

**Carried: 9/0**



**Disclosure of Proximity Interest in Item 13044.2 – Cr L Smith**

Cr L Smith declared a Proximity Interest in Item 13044.2 Restricted Access Vehicles. The nature of the interest is that her Defacto is the owner of Gypsim Operations.

**COUNCIL DECISION ON DISCLOSURE**

Moved: Cr L Butler

Seconded: Cr J Cunningham

That Cr Smith be allowed to stay in the Council Chambers but not allowed to vote during item 13044.2 Restricted Access Vehicles.

Carried: 8/0

**13044.2 RESTRICTED ACCESS VEHICLES**

<b>APPLICANT:</b>	<b>KEN MARKHAM – WORKS SUPERVISOR</b>
<b>FILE:</b>	<b>ADM 0172</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM - WORKS SUPERVISOR</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEN MARKHAM – WORKS SUPERVISOR</b>
<b>REPORT DATE:</b>	<b>4<sup>TH</sup> APRIL 2013</b>
<b>ATTACHMENTS</b>	<b>Heavy Vehicle Operations - Guidelines</b>

**Executive Summary**

Concerns have been raised in regards to some of the Shire's roads being subject to excessive usage which has caused damage to the road and created concerns from the school bus driver. Talking with Main Roads and Heavy Haulage, there are several options available to assist in controlling the vehicles and possibly passing on the costs of repairing the road damaged by the vehicles.

The road which has been of main concern is Keogh rd which has seen a large amount of heavy vehicles using the road to access a Gypsum pit on a landowner's property. The road would have less than 75 vehicles per day which would put it into a low volume category road which in turn means a list of operating conditions are placed on the road. Council can still ask for a CA07 on the road which enables them to put further conditions on the road. This costs associated with returning the road to its original condition or repairing damage by company vehicles be recovered from operators or their company. This condition could be placed in the letter from the Shire that the operators will be required to carry as one of the conditions of operation. The attached guidelines list the criteria for roads and the section on Operating conditions sets out some of the conditions automatically placed on roads as a low volume road.

**Background**

Concerns were raised in regards to Keogh road and the damage that was caused by heavy vehicles using it to access a Gypsum pit on a landowner's property. These included who was liable for the damage to the road and how the road usage could be managed. The local school bus driver also expressed concerns in having to share the road with the trucks and the problems with visibility from dust.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Consultation**

Main Roads Heavy Haulage Operations

**Comment**

Nil

**Voting Requirements – Simple Majority****Officer and Committee's Recommendation – Item 13044.2**

That the Shire of Perenjori road network be reviewed post July to determine categories and access usage.

**COUNCIL RESOLUTION – Item 13044.2****Moved: Cr G Reid****Seconded: Cr L Butler**

**That the Shire of Perenjori road network be reviewed post July to determine categories and access usage.**

**Carried: 8/0****13044.3 DRAFT ROAD PROGRAMME 2013/14**

<b>APPLICANT:</b>	<b>KEN MARKHAM – WORKS SUPERVISOR</b>
<b>FILE:</b>	<b>ADM 0142</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM - WORKS SUPERVISOR</b>
<b>RESPONSIBLE OFFICER</b>	<b>KEN MARKHAM – WORKS SUPERVISOR</b>
<b>REPORT DATE:</b>	<b>4<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>Spreadsheets</b>

**Executive Summary**

The draft road program for 2013/14 along with the following 8 years is attached which is part of the proposed 10 year roadwork's programme but up last year. Any possible changes

to the proposed program need to be considered so final costs can be put forward for consideration in the upcoming 2013/14 budget.

**Background**

Each year a draft road programme is put forward for discussion and any changes or other considerations discussed to present for to full Council for acceptance and adoption for the upcoming financial year.

Last year a 10 year proposed road programme was put forward as part of Council's requirement for a forward capital works program.

The only unlisted works are Blackspot projects as they are put forward as they come up and meet the criteria for funding.

**Statutory Environment**

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

**Policy Implications**

Nil

**Financial Implications**

As per budgeted road programme

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

Nil

**Voting Requirements – Simple Majority**

<b>Officer and Committee's Recommendation – Item 13044.3</b>
--

That the proposed road programme for 2013/14 be discussed and any additions or changes be put forward so as final costings can be carried out for presentation to Council in considering the 2013/14 budget.
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<b>COUNCIL RESOLUTION – item 13044.3</b>
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**Moved: Cr L Butler**

**Seconded: Cr P Waterhouse**

**That the proposed road programme for 2013/14 be discussed and any additions or changes be put forward so as final costings can be carried out for presentation to Council in considering the 2013/14 budget.**

**Carried: 9/0**

**Disclosure of Financial Interest in Item 13042.1 – Cr J Cunningham**

Prior to any consideration of item 13042.1 Cr J Cunningham disclosed financial Interest in this matter. The nature of this interest is that he carries out their exploration.

Cr J Cunningham left the Council Chambers at 1.58 pm for this item.

<b>13045</b>	<b>GOVERNANCE</b>
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<b>13045.1 APPLICATION FOR EXPLORATION LICENCE 59/133 AND 59/134</b>
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<b>APPLICANT:</b>	<b>Minjar Gold Pty Ltd</b>
<b>FILE:</b>	<b>ADM 0216</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>AUTHOR:</b>	<b>ALI MILLS – CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>ALI MILLS – CEO</b>
<b>REPORT DATE:</b>	<b>18<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>Letters</b>

**Executive Summary**

Correspondance has been received advising Council of applications for Miscellaneous Licences submitted to the Department of Mines and Petroleum (DMP).

This report recommends that Council acknowledges the applications and recommends to the DMP that certain conditions be imposed.

**Background**

We have been advised this company has applied to the DMP for a miscellaneous licence. All companies have a requirement to notify the respective Shire of the application for the licence. They have provided location plans detailing land area to be explored.

Correspondance received from:

- Andersons Tenement Management for exploration Licences 59/133 and 59/134.

**Statutory Environment**

*Mining Act 1978*

**33. Application for mining tenement by permit holder**

1) Subject to subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to —

- a) the Chief Executive Officer of the local government;
- b) the owner and occupier of the private land

c) each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land, but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

Whilst Council has minimal power over whether exploration licences are approved or not it is recommended that certain conditions be presented.

**Voting Requirements – Simple Majority**

**Officers Recommendation – Item 13025.1**

That Council acknowledges the application for miscellaneous Licence 59/133 and 59/134 and requests the following conditions be imposed by the Department of Mines and Petroleum if the exploration licences are to be issued:

1. All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
2. All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six (6) months after excavation unless otherwise approved in writing by the district mining engineer.
3. Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
4. No activities taking place to the detriment of any roads, streets or verges.
5. Minimum disturbance being made to natural vegetation.
6. Adequate dust suppression control methods and practices being used.
7. Except with the approval of the Shire of Perenjori, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Perenjori.
8. All works comply with the Environmental Protection (Noise) Regulations 1997.
9. All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

**COUNCIL RESOLUTION – Item 13045.1**

Moved: Cr L Smith

Seconded: Cr J Hirsch

That Council acknowledges the application for miscellaneous Licence 59/133 and 59/134 and requests the following conditions be imposed by the Department of Mines and Petroleum if the exploration licences are to be issued:

1. All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
2. All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six (6) months after excavation unless otherwise approved in writing by the district mining engineer.
3. Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
4. No activities taking place to the detriment of any roads, streets or verges.
5. Minimum disturbance being made to natural vegetation.
6. Adequate dust suppression control methods and practices being used.
7. Except with the approval of the Shire of Perenjori, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Perenjori.
8. All works comply with the Environmental Protection (Noise) Regulations 1997.
9. All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

Carried: 8/0

Cr J Cunningham re-entered the Council Chambers at 2.02 pm.

**13045.2 MID WEST REGIONAL COUNCIL – DRAFT STRATEGIC WASTE MANAGEMENT PLAN**

<b>APPLICANT:</b>	Mid West Regional Council (MWRC)
<b>FILE:</b>	ADM 0216
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>AUTHOR:</b>	Suzanne Ward – CEO MWRC
<b>RESPONSIBLE OFFICER</b>	ALI MILLS – CEO
<b>REPORT DATE:</b>	18 <sup>th</sup> April 2013
<b>ATTACHMENTS</b>	Report

**SUMMARY**

The purpose of this report is to obtain Councils endorsement of the Draft Strategic Waste Management Plan (SWMP) Addendum including the Strategic Action Plan (SAP).

**BACKGROUND**

Since the 2009 SWMP was submitted the Shires of Carnamah, Coorow and Mullewa have left the Regional Council. The remaining four MWRC member councils then formed a Collaborative Group for the purposes of implementing SWMP projects.

Funding was provided by Department for Conservation (DEC) for the original SWMP to be reviewed and potential / new projects assessed and prioritised. Cardno was contracted to do this through the development of an Addendum to the original 2009 SWMP in October 2012.

The following events have taken place: -

- September 2012 – CEO's asked for 6 projects either from the original SWMP Strategic Action Plan (SAP) or new projects to be identified for inclusion in a revised SAP.
- October 2012 – Teleconference between Cardno, participating Council CEO's / Acting CEO's and MWRC CEO requesting SAP be reviewed by their Councils and 6 projects (either from the existing SAP or new projects) to be provided to MWRC for further prioritisation at the December 2012 meeting.
- December 2012 MWRC meeting – Teleconference between Cardno and MWRC to prioritise projects however member councils had not provided projects (prioritised by Council) at that time.

At the December 2012 MWRC meeting the following was resolved: -

*Moved Cr Treloar Seconded Cr Chappel*

*a) The MWRC Chief Executive Officer be authorised to forward the Strategic Waste Management Action Plan to member local governments.*

*b) Each Council is to prioritise three projects (from the action plan or new projects) with a regional benefit to form the basis for the MWRC Regional Investment Plan.*

*CARRIED 4/0*

*MINUTE REF: 11/12-2*

December 2012 the SWMP Action Plan forwarded to member Councils for selection and prioritisation of three regional projects. The three priorities for projects from each of the member council's deliberations were to be provided to MWRC for further prioritisation at their March 2013 meeting. This information was to form the basis for the updated SWMP Action Plan.

- February 2013 – See consultation section of report below for responses from member Council's deliberations.

- March 2013 MWRC meeting the following was resolved however no discussion took place.

*Moved Cr M Bagley, seconded Cr L Butler*

*Council discuss the projects submitted by the member Councils and giving consideration to the member's priorities for projects, refine the priorities further before providing to Cardno for preparation of the SWMP Action Plan for adoption by member councils.*

*CARRIED 4/0*

*MINUTE REF: 03/13-4*

## COMMENT

### SWMP Review

The SWMP has been updated by way of an addendum (appended to this report) to be attached to the original 2009 SWMP. The addendum contains a revised Draft Strategic Action Plan (SAP) that will form the basis for the MWRC funding applications to the Regional Investment Program (RIP). It is a requirement of the DEC that **the SWMP Review and RIP are endorsed by each of the participating Councils.**

The SWMP Review Addendum SAP is broken down to Phase I and Phase II funding.

### Phase I Funding

The MWRC has been allocated \$106,000 of funding under the Phase I funding round.

It is proposed that the \$106,000 be utilised over a two year period to employ a part time Waste Management Co-ordinator / Project officer to undertake the Waste Management function through MWRC for the member councils including progressing SWMP SAP projects.

I have been advised this concept has been used previously and would be an acceptable use of the RFP Phase I funding.

The proposed employment of a part time Waste Management Officer would be in conjunction with the employment of an Environmental Health, Building and Planning Officer (EHBPO).

### Phase II Funding

Phase II rounds of funding for implementation of SWMP projects will be on a competitive basis. Proposed Phase II projects (as listed in the revised Draft SWMP Addendum SAP) are to be discussed by participating Councils and listed in order of the individual Council's opinion on the priority ranking. This is to be provided to the MWRC CEO following the April 2013 participating Council meetings by way of an extract of the minutes from their April meeting.

MWRC will then make the final decision on priorities at their May 2013 Council meeting. The final prioritised list will: -

- Take into account the participating Councils priority rankings;

- Finalise the SAP enabling it to be submitted to DEC;
- inform the MWRC RIP grant application;
- Form the basis for other grant applications as the opportunity arises and
- Act as a guide to the proposed MWRC Waste Management Officer.

#### Other Funding Opportunities

There may be opportunities for grants through other sources arise during the year. For this reason I am asking Councils to consider allowing an amount in forthcoming budgets as a co contribution (matching proportion) for grants for waste management projects.

Waste management is a growing concern for Perenjori and neighbouring Shires, and will require a strategic approach to ensure careful planning is developed. The proposed SWMP provides the necessary documentation to assist in the sourcing of funding to implement the plan and thus begin addressing matters within Shires.

#### **CONSULTATION**

##### SHIRE OF THREE SPRINGS PRIORITIES

###### *121215 COUNCIL RESOLUTION – ITEM 9.2.11*

*MOVED: Cr G.W Turley SECONDED: Cr R.J Thorpe That Council nominate the following waste management projects to form the basis for the MWRC Regional Investment Plan.*

- 1) Mobile glass/concrete mill*
- 2) Mobile Recycling*
- 3) Tube Terminator*

*CARRIED VOTED: 7/0*

#### Mobile glass/concrete Mill

This plant item can be shared between member Councils. It can be transported to site to process material but is also mobile. The crusher will transform waste glass and concrete material into a sand like consistency. This product can be then be used in roads, paths etc. Results have shown the glass product will improve the performance of asphalt. Estimate - \$130,000

#### Mobile Recycling

This mobile unit will enable waste to be sorted on site for recycling and the unit can be shared amongst member Councils. This platform will make sorting more efficient and provide readily recyclable material. Together with the balers this will enable the Shires to produce product that is saleable to recycling firms. Estimate - \$55,000

#### Tube Terminator (Fluorescent tubes)

Each Council will have its own bin. This single unit will recover Mercury for recycling and reduce the amount of mercury being buried in landfill. Mercury is damaging to the environment and any reduction in fluorescent and incandescent lights being sent to landfill is advantageous. Estimate - \$10,000 each

SHIRE OF PERENJORI PRIORITIES

Council have considered the Strategic Waste Management Plan, and identified the following as priority areas:

## 1. Infrastructure:

Our Council like others are facing the challenge of a tip that has reached capacity, with the need to identify other viable options. This would involve exploring the options in a collaborative way as detailed under point 5 of the document. Discussions have commenced with Morawa regarding a joint facility which is in the very early stages. Whilst this would be taking place there is still the need to continuing operating a tip that is compliant.

## 2. Collaboration:

As a small Shire it is in our interests to work with others and be part of a larger group to obtain information, contribute to regional waste management planning and ensure there is a sharing and collection of expertise, information and knowledge in this area. There are opportunities presented in the current action plan including contracts, funding, and staffing. This could be as suggested in the document under a Regional Waste Management Facility.

SHIRE OF MORAWA PRIORITIES

No prioritisation carried out by Council. Feedback – A / CEO provided projects from June 2010 review.

SHIRE OF MINGENEW PRIORITIES

No prioritisation carried out by Council. Feedback – extend recycling options.

**STATUTORY ENVIRONMENT**

To ensure all member Local Governments have had an appropriate level of input into the process of determining regional priorities, proposed activities and expected outcomes, **the SWMP Review and Regional Investment Plan (projects proposal) are to be endorsed by each of the Regional Collaborative Group Councils.** That is the member Councils of MWRC. The CEO's of the respective LGA's are to sign both the SWMP Review and the RIP.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

The RFP utilises funds from the WA Government's Waste Avoidance and Resource Recovery Account (WARR Account). Funding can only be accessed through the submission of a Regional Investment Plan (RIP). One or more RIP's may be submitted to access both the "fixed funding allocation" i.e. Phase I funding and the "competitive funding stream" i.e. Phase II funding. The fixed funding allocation for MWRC is \$106,000. Applications for the fixed funding stream (i.e. submission of the MWRC RIP) close on 28 June 2013.

Funds will need to be allocated in the coming 2013/14 budget to support the implementation of the SWMP.

#### STRATEGIC IMPLICATION

The strategic objectives of the RFP are: -

- To encourage Local Governments to work together to provide regional waste management solutions and increase efficiencies;
- To facilitate improved Local Government waste management infrastructure and services throughout the State, with measurable progress towards meeting Waste Strategy targets; and
- To facilitate continuous improvement in waste avoidance, recovery and disposal for solid waste managed by Local Government in line with the relevant targets within the Waste Strategy.

**MWRC Community Strategic Plan Strategy – 1.1 - Efficient and Effective Waste Management and Recycling.**

#### Voting Requirements – Simple Majority

<b>MWRC Officer Recommendation to Member Councils – Item 13045.2</b>
--

That Council: -

- |   |
|---|
| <ul style="list-style-type: none"> <li>a) Endorses the Draft Strategic Waste Management Plan Addendum for submission to the Department for Conservation, following the Mid West Regional Council defining the final ranking of prioritised projects.</li> <li>b) Provides authority for the President to sign the Strategic Waste Management Plan Review and the Regional Investment Plan application.</li> <li>c) Includes a contingency in the 2013 / 2014 budget for co-contribution towards waste management project grants.</li> </ul> |
|---|

<b>COUNCIL RESOLUTION – Item 13045.2</b>
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**Moved: Cr H Wass**

**Seconded: Cr J Cunningham**

**That Council: -**

- a) **Endorses the Draft Strategic Waste Management Plan Addendum for submission to the Department for Conservation, following the Mid West Regional Council defining the final ranking of prioritised projects.**
- b) **Provides authority for the President to sign the Strategic Waste Management Plan Review and the Regional Investment Plan application.**

- c) Includes a contingency in the 2013 / 2014 budget for co-contribution towards waste management project grants.

Carried: 9/0

<b>13045.3 YARRA YARRA CATCHMENT REGIONAL COUNCIL YYCRC - FUTURE</b>
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<b>APPLICANT:</b>	<b>Yarra Yarra Catchment Regional Council</b>
<b>FILE:</b>	<b>ADM 0161</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>AUTHOR:</b>	<b>ALI MILLS – CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>ALI MILLS – CEO</b>
<b>REPORT DATE:</b>	<b>18<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>Letter From YYCRC</b>

**Executive Summary**

Council is being requested to consider the future of the YYCRC and support either the winding up of the Council or to continue as is for a further 12 months.

**Background**

YYRCC have been advised they like all Local Governments are required to complete the Integrated Planning process. The head of power regarding these Plans is section 5.56 Planning for the future. Section 5.56 and its associated regulations apply both to local governments and to Regional Local Governments. The only parts of the Act that don't apply to Regional Local Governments are spelt out in s3.66 of the Act, and as that section makes no reference to the Planning for the Future provisions, those provisions do apply.

The YYRCC are concerned with the increasing costs involved with this planning and increasing compliance, and have concerns with long term viability. An Agenda item was presented at the YYRCC meeting in February which recommended a winding up of the organisation by the 30<sup>th</sup> June 2013. Below is comments from the CEO of the YYRCC, Chairman of the Wheatbelt Catchment Alliance, and the recommendations of the meeting:

*CEO:*

*The cost of compliance has now reached a ridiculous proportion to the size of the organisation and with this added burden, it is not sensible to retain the Regional Council as a local government, and it is time to transform the organisation into a VRoC where the onus of compliance is removed at a cost saving of around \$16-17000.00 per annum. Alternately the Regional Council could be dissolved and all responsibility of the management (which is the continuation of NRMO services) of the Yarra Yarra catchment area be offered to NACC to be run in-house. To do this there will be costs that will need to be met in the dissolving of the Regional Council (audit expenses and staff) to wind down its operation. The CEO estimates that subject to the cash position as at the 30<sup>th</sup> June 2013 this could cost in the vicinity of \$20,000.00.*

*Mr. Max Hudson Chairman of the Wheatbelt Catchment Alliance:*

*Mr. Hudson gave a brief recount of what had happened over the last 12 months to the point where he attended a meeting at Northam in December which had been called by the Wheatbelt Development Commission. It attended by the CEO and Chairman of that organisation, Director of Agriculture, representatives from the CSIRO and the Wheatbelt Catchment Alliance. It was established that the information and data that had been and is still being collected by the Yarra Yarra Catchment Regional Council on the deep drainage pilot scheme was relevant to the presentation of the "Business Case" but needed to be published as a scientific document to be considered authentic. He advised that CSIRO was prepared to assemble and publish the data but the cost would be \$170,000.00. Mr. Hudson said it was disappointing that the WCA had thought they had got to the position of the "Business Case" being presented to Cabinet when another obstacle was placed in its path. He said he was pursuing means of funding CSIRO. He finished by saying it was essential that the Regional Council continue to be in existence however he could not give a timetable as to when the "Business Case" would be likely to be presented to Cabinet.*

A recent email from Mr Hudson stating:

*Hello Ali and Dave,*

*Ali has asked me if there have been any further developments regarding the WCA proposal to Government. Regarding the emails below WCA executive committee have secured a meeting with Mia Davies and colleagues as below for the 8th of May. I have also written to Agricultural minister Baston requesting a meeting in the near future. On the political scene things are looking favorable for us as Mia Davies is also Parliamentary Secretary to Brendon Grylls who is the minister assisting the minister for State Development - who is the Premier. I have it on good advice that the premier could be more sympatric to our cause.*

*Best regards,*

*Max Hudson*

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

If the YRCC continued funds would need to be allocated in the coming 2013/14 budget to support the continued operations.

#### **Strategic Implications**

Nil

#### **Consultation**

Nil

**Comment**

Nil

**Voting Requirements – Simple Majority****Officers Recommendation – Item 13045.3**

- |    |  |
|----|--|
| 1. | That the Yarra Yarra Catchment Regional Council be wound up as at the 30 <sup>th</sup> June 2013.                    |
| or |  |
| 2. | That the Yarra Yarra Catchment Regional Council be wound up as at the 30 <sup>th</sup> June 2013 and becomes a VRoC. |
| or |  |
| 3. | That the Yarra Yarra Catchment Regional Council continues for a further 12 months.                                   |

**COUNCIL RESOLUTION – Item 13045.3**

Moved: Cr G Reid

Seconded: Cr L Butler

1. That the Yarra Yarra Catchment Regional Council continues for a further 12 months.

Carried: 9/0

**13045.4 MID WEST REGIONAL COUNCIL MWRC – FUTURE DIRECTIONS**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0055</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>AUTHOR:</b>	<b>ALI MILLS – CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>ALI MILLS – CEO</b>
<b>REPORT DATE:</b>	<b>18<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>Meeting Minutes</b>

**Executive Summary**

The minutes from the MWRC are presented for Council to receive.

**Background**

A Special MWRC meeting was held in Perenjori on the 15<sup>th</sup> March 2013 to discuss the future direction of the Council. A workshop was facilitated by Sue Middleton who assisted with discussions and identifying areas needing to be improved and outcomes expected from Council Members. Members were reminded as to the reasons for the establishment of the Council as follows:

**The Regional Purpose for the MWRC's establishment is to:**

a) Provide centralized services to, and on behalf of the Participants where provision of that service by the MWRC benefits the Region through:

(i) A more effective use of resources, including financial, personnel and assets; or

(ii) Increased prospects for receiving funding, services or service providers through representation of a larger population;

b) Assess the possibilities and methodology of facilitating, and to identify funding and revenue opportunities for, a range of services and projects on a regional basis;

c) Provide an advocacy function to influence and liaise with local, state and federal governments in the development of policies and legislation which are of benefit to the Region;

d) As a peak body provide leadership and deliver services, regional strategies and projects for Participants, in accordance with an approved MWRC strategic plan; and

e) Carry out any of the executive (but not legislative) functions of a local government, for the Participants including, without limitation, the following functions:

(i) The control and management of assets vested in, or under the control and management of, the Participants;

(ii) Regional collection, removal, processing, treatment and disposal of waste;

(iii) The promotion of economic development and employment within the Region.

The following recommendations were made by Councilors after an "in camera" discussion:

***Moved Cr Karen Chappel seconded Cr Michelle Bagley***

*That the MWRC contract a business consultant to undertake financial modelling; cost benefit analysis and develop a pricing model for presentation at the MWRC meeting on 7 May 2013 and funded by MWRC.*

**CARRIED 4/0**

**MINUTE REF: SM03/13-3**

***Moved Cr Annie Treloar seconded Cr Michelle Bagley***

*Council provide authority to the MWRC Chairman to undertake a 360° review of the MWRC CEO and funded by MWRC.*

**CARRIED 4/0**

**MINUTE REF: SM03/13-3**

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Continued funding will be required to support the operations of the MWRC.

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

The MWRC serves a very important role to the member Councils, whilst satisfying the Department of Local Government of regional collaboration and resource sharing. The aim will be to achieve sustainability with a new cost servicing model to ensure services provided are charged to make a profit.

**Voting Requirements – Simple Majority****Officers Recommendation – Item 13045.4**

That the MWRC minutes of the Special Meeting held on 15<sup>th</sup> March 2013 be received.

**COUNCIL RESOLUTION – Item 13045.4**

**Moved:** Cr R Desmond

**Seconded:** Cr J Cunningham

**That the MWRC minutes of the Special Meeting held on 15<sup>th</sup> March 2013 be received.**

**Carried: 9/0**

**13045.5 BUDGET REVIEW 2012/2013**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0339</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>0</b>
<b>AUTHOR:</b>	<b>ALI MILLS – CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>ALI MILLS - CEO</b>
<b>REPORT DATE:</b>	<b>18<sup>th</sup> April 2013</b>
<b>ATTACHMENTS</b>	<b>BUDGET REVIEW – HARD COPY</b>

**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.

**Background**

The review has been carried out by senior staff responsible for their own budgets. The review has required a thorough investigation of all areas to ensure expenditure and income stated will be accurate.

- Council is to consider the review and the options presented and decide 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.

**Revised Brought Forward Balance**

The brought forward surplus at the beginning of the year (1st July 2012) was estimated to be \$1,556,361 at the time of preparing the budget. The actual brought forward surplus was \$1,976,765, providing a \$420,404 difference.

**Budget Impacts**

The review highlights areas where income has been expected to be reduced along with under amounts of expenditure needing to be increased in areas. The following provides a highlight of the significant changes which have impacted on the budget:

**Reduced Income:**

- Housing Rent of \$68, 260 as a result of low occupancy rates
- MWDC FlatPack House of \$170,000 as a result of income received previous year and the project not completed yet
- Latham Telecoms Tower of \$100,000, grant expected but no source
- Caravan Park Fees, of \$39,000, over estimate of income
- CP Transportable Fees, of \$46,000, over estimate (difference between lowered income and lowered expenditure)
- Building Permit Fees of \$22,000, over estimate
- 130 Russell Street of \$29,000, over estimate of value on property
- Caron Dam, \$100,000, funds not available from other sources
- PECC, \$1,600,000 reduced income project delayed
- Reduce staff and private rent, over estimate \$40,000

**Over expenditure:**

- Centenary celebrations, under estimate \$31,000
- MWRC Fees of \$69, 176, under estimate of total fees

**Reduced Expenditure:**

As a result it will be necessary to reduce expenditure further to cover the expected deficit with the following options:

- CEO's vehicle delay the changeover until the new budget, \$35,000
- Community Bus, delay til next financial, \$35,000
- PECC \$1,700 000 delayed project
- Reduced road works \$ 273,000
- Fuels and Oils, of \$50,000, over estimate
- Latham Townscape \$20,000
- Entry Statements, \$20,000
- Street Scape improvements, \$20,000
- Art Belt, delayed, \$50,000
- Caron Dam \$100 000, funding source not identified
- CEO Salary, \$37,000
- Telecommunications, \$300, 000
- Plant, \$200,000
- Latham Bowling Green, \$210,000, delayed project
- Employee Housing project, \$37,500, delayed project

**Reserve Funds**

As some significant projects have been delayed it is suggested allocations be made to the reserve funds to allow for these to be utilised for the respective projects, in 2013/14 which includes:

- |                 |           |
|-----------------|-----------|
| • Community Bus | \$35,000  |
| • Canon Dam     | \$50,000  |
| • Plant         | \$115,000 |

**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 of changed circumstances that were not evident when the budget was adopted.

### Strategic Implications

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

### Consultation

The budget review has the input of all senior staff, and is reflective of discussions held with Council regarding this situation.

### Comment

There have been significant movements with projects, which has resulted on reduced expenditure along with reduced income. There are also significant areas of loss within income projected when the budget was adopted which includes grants expected as well as fees and charges. Circumstances change and areas where funding was expected to be sourced have not been identified.

### Voting Requirements

Absolute majority

### **Officers Recommendation – Item 13045.5**

Council adopts the budget review, as presented, and the CEO is to forward a copy to the Department of Local Government in accordance with the *Financial Management Regulations 1996*.

### **COUNCIL RESOLUTION – Item 13045.5**

**Moved: Cr J Hirsch**

**Seconded: Cr J Cunningham**

**Council adopts the budget review with the following additional amendments:**

**\$20,000 re-instated for the Latham Sports Club**

**\$7,000 new item to address Children and Youth Activities**

**\$50,000 be removed from the Water Supply Reserve**

**Carried: 9/0**

**Moved: Cr P Waterhouse**

**Seconded: Cr G Reid**

**Council resolves to establish the following New Reserve Funds:**

**Sport and Recreation amenities Reserve – to be used to support the maintenance and replacement of sporting and recreation facilities,**

**Water Services Reserve – to be used to improve access to alternative water sources.**

**Carried: 9/0**

Moved: Cr L Smith

Seconded: Cr J Cunningham

Council resolved to allocate \$100,000 to the Sport and Recreation Amenities Reserve, and \$50,000 to the Water Services Reserve.

Carried: 9/0

Moved: Cr G Reid

Seconded: Cr J Cunningham

The CEO is to forward a copy to the Department of Local Government in accordance with the *Financial Management Regulations 1996*.

Carried: 9/0

#### 13045.6 WALGA STATE COUNCIL AGENDA ITEMS

APPLICANT:	WALGA NORTHERN COUNTRY ZONE
FILE:	ADM 0202
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	ALI MILLS – CEO
RESPONSIBLE OFFICER	ALI MILLS – CEO
REPORT DATE:	18 <sup>th</sup> April 2013
ATTACHMENTS	NIL

#### Executive Summary

Council is being requested to consider items on the Agenda for the WALGA State Council meeting to be held on the 3<sup>rd</sup> May 2013.

#### Background

The following items have been identified by the WALGA Northern Country Zone, Executive Officer as needing to be brought to the attention of Councils providing them with the opportunity to contribute their views:

## 5. MATTERS FOR DECISION

### 5.1 Constitutional Recognition (05-074-03-0001 WFS)

By Wayne Scheggia, Deputy Chief Executive Officer

#### Recommendation

1. That the payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "*National Campaign for Constitutional Recognition*" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,
2. That such payment is made on condition that all States and Territory Local Government Associations contribute to the National Campaign.
3. That such payment is made on condition that unexpended funds are returned to the Association in the event that the referendum does not proceed.

**In Brief**

- The Association supports “Financial” recognition for Local Government within the Australian Constitution.
- The national campaign has been developing for a number of years.
- Expenditure now needs to be incurred to progress the campaign in anticipation of a formal announcement by the Commonwealth Government.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

**Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

**1. Support WALGA recommendation**

**5.2 Elected Member Fees and Allowances – Submission to the Salaries and Allowances Tribunal (05-034-01-0001 TL)**

*Tim Lane, Manager Strategy & Reform*

**Recommendation**

**That the Association’s submission to the Salaries and Allowances Tribunal in relation to Elected Member Fees and Allowances be endorsed**

**In Brief**

- WALGA has developed a submission to assist the Salaries and Allowances Tribunal (SAT) in their Inquiry in relation to Elected Member Fees and Allowances;
- The submission, which is structured in four parts:
  - i. Suggests some guiding principles relating to Elected Member remuneration;
  - ii. Discusses the evolving role of Elected Members;
  - iii. Makes comparisons with the situation in other Australian states and territories; and
  - iv. Proposes a recommended framework for Western Australia.
- The SAT called for submissions in early March 2013 with submissions due by 29 March 2013;

- The SAT are seeking to publish their determinations around early May to ensure Councils are able to incorporate possible changes to Elected Member fees and allowances in their 2013-14 budget processes;
- State Councillors were given the opportunity to provide feedback and suggest changes to a draft of the submission;
- Feedback from the WALGA President and State Councillors was incorporated into the final version of the submission, which is attached for State Council consideration.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

### **Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

1. Support WALGA recommendation

## **5.3 Control and Maintenance of Roads on Prioritised Public Transit Routes (05-005-03-0007 ID)**

*By Ian Duncan, Executive Manager, Infrastructure*

### ***Recommendation***

#### **That the Association advise the State Government:**

1. That for the purposes of prioritised public transport infrastructure, the preferred approach is the introduction of legislative or regulatory amendments to enable the creation and transfer to the Public Transport Authority (PTA) of a separate reserve within existing Local Government road reserves for the light rail infrastructure.
2. That a detailed investigation of the agreements, codes of practice and underpinning legislation applying in other jurisdictions should be undertaken by PTA in conjunction with Local Governments, within the context of the Western Australian situation, learning from best practice.
3. If legislation cannot be developed in a timely fashion, then a series of separate formal agreements between the State Government and the affected Local Government be developed prior to the detailed planning phase to allow a consultative process with Local Government and their communities; and the Minister make a series of formal undertakings regarding the roles and responsibilities of Local Government in the development and implementation of light rail and express bus way plans and projects.
4. Affected Local Governments are consulted and engaged early in the planning for any proposed development of prioritised public transit infrastructure.

5. Specific traffic modelling of the impact of light rail and express busways on surrounding roads be undertaken by the PTA and required treatments be included in the scope of the public transport project.
6. Memoranda of Understanding between the State Government (or its agencies) and Local Government not be encouraged due to their limited legal status.

### *In Brief*

- The State Government is planning to build and operate a light rail system from Mirrabooka to the Perth CBD with extensions to the QEII Medical Centre in Nedlands and the Causeway in Victoria Park. Most of this system will be constructed on roads currently controlled and maintained by Local Governments.
- Legislative and/or regulatory changes required to facilitate light rail and express busway infrastructure are being considered and Local Governments have and are being consulted regarding this. Consultation with Local Governments has found strong support for a consistent approach to the control and maintenance of roads used for public transport infrastructure. However, there are advantages and disadvantages associated with each of the identified arrangements.
- A Draft Position Paper has been developed on the basis of a Local Government workshop and a range of options evaluated against the requirements of Local Governments and the issues expected to arise.
- It is recommended that the State Government be advised that the preferred arrangement is for a separate reserve be established within the current road reserve for the purposes of constructing and operating public transport infrastructure. The interface and associated issues should be identified and resolved between the PTA and Local Government. Responsibility for integration of works would lie with the party undertaking the works. Each party would be entirely responsible, including cost, for integrating their works into the other's area, in the same way as a private developer is currently required to do.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

### **Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

1. Support WALGA recommendation

## **5.4 Draft Code of Practice for Onsite Sewage Management - WALGA Submission (05-026-03-0014 EF)**

*By Erin Fuery, Senior Community Policy Advisor*

### *Recommendation*

**That the Association's submission on the Department of Health's Draft Code of Practice for Onsite Sewage Management be endorsed.**

#### **In Brief**

- The Department of Health released the Draft Code of Practice for Onsite Sewage Management for public comment until 28 February 2013.
- The purpose of the Code is to ensure the safe disposal of domestic sewage to safeguard public health and protect the environment.
- The Association appointed a consultant to coordinate workshops with Local Governments to facilitate feedback on the Draft Code of Practice.
- The information gathered from the workshops was used to inform the development of an interim submission on the Draft Code of Practice, which is presented to State Council for endorsement.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

#### **Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

#### **1. Support WALGA recommendation**

### **5.5 Draft State Planning Strategy – WALGA Submission (05-036-03-0022 CG)**

*Christopher Green, Planning Coordinator Reform and Improvement*

#### **Recommendation**

**That the submission to the Western Australia Planning Commission regarding the draft State Planning Strategy be endorsed.**

#### ***In Brief***

- On 19 December 2012, the Minister for Planning, the Hon John Day MLA, launched the draft State Planning Strategy for public consultation. The public consultation closed on 29 March 2013.
- An interim submission has been prepared to meet the public comment deadline, and is submitted to State Council for endorsement.
- The interim submission includes a number of recommendations seeking to clarify and improve the content of the Strategy.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

### **Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

#### **1. Support WALGA recommendation**

## **5.6 Public and Private Cyclone Shelter Construction Requirements and the Building Code of Australia (05-015-02-0005VJ)**

**By Vanessa Jackson, Policy Manager, Planning Reform and Improvement**

### **Recommendation**

**That the Association supports changes to the Building Code of Australia (BCA) to ensure that minimum standards for the construction, maintenance and operation of public or private buildings that are to be used as cyclone shelters are included within the BCA.**

### ***In Brief***

- Relevant building standards for cyclone shelters are not specifically catered for in the Building Code of Australia.
- The Shire of Roebourne is preparing a 'Proposal for Change' to request the consideration of 'cyclone shelter' minimum standards into the Building Code of Australia.
- Due to the importance of providing an appropriate and safe public or private shelter during a cyclone event, support from the local government sector is sought.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

**Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

**1. Support WALGA recommendation****5.7 Bushfire Hazard Mitigation: Planning a Response (05-024-02-0056 CG)**

*Christopher Green, Planning Coordinator Reform and Improvement*

**Recommendation**

- 1. That State Council endorse the following land-use planning bushfire mitigation provisions principles;**
  - a. Bushfire prone areas should be declared by the State / Western Australian Planning Commission (WAPC);**
  - b. There should be a series of consistent State-wide, minimum standards, developed in consultation with Local Government, that development and subdivision proposals within bushfire prone areas should satisfy; and**
  - c. Local Governments should retain the powers to adopt local planning scheme and policy provisions that exceed the State-wide minimum requirements, if so desired.**
  
- 2. That WALGA advocate that the WAPC seek to adopt land-use planning bushfire mitigation provisions that satisfy the above principles; and**
  
- 3. In accordance with these principles and the provisions within the current planning legislative framework, the Association recommend that a 'deemed provisions' approach be adopted by the State Government, for the purposes of expediting bushfire risk mitigation through the land use planning and development control system.**

***In Brief***

- State Government is currently considering future arrangements for bushfire risk management in Western Australia. This includes examining existing mechanisms and future amendments to the planning framework to mitigate bushfire risk.
- The Association is concerned that the Department of Planning is considering an approach that does not fully satisfy the intentions of the recommendations set out by the Keelty report and will leave much of the responsibility for identifying and managing bushfire risks through the planning process with Local Government.

- WALGA has undertaken consultation with members to discuss potential planning arrangements for the management of bushfire risk. The feedback gathered from members has been consistent, highlighting:
  - strong support amongst the sector for the Western Australian Planning Commission to take the lead in identifying bushfire risk areas and establishing planning provisions for bushfire mitigation; and
  - a resistance to placing the lead responsibility with Local Government.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

### **Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

#### **1. Support WALGA recommendation**

##### **13035.5.8 Financial Assistance Grants Review (05-100-03-0001 PS)**

*Paul Schollum, Policy Manager, Economics*

### **Recommendation**

**That the Association's interim submission to the Commonwealth Grants Commission's review of Financial Assistance Grants be endorsed.**

#### ***In Brief***

- The Commonwealth Grants Commission is conducting a review of Financial Assistance Grants (FAGs).
- The Association made an interim submission to the Commission on 1 March 2013.
- The Association argued that:
  - Improved service provision for Indigenous communities would be more appropriately addressed through tied grants, rather than untied FAGs funding
  - FAGs funding should remain an untied, rather than tied, source of funding for Local Governments
  - The Minimum Grant principle should be retained in its current form
- The Association also found that the relative need of Local Governments within WA was affected by factors such as: fiscal capacity, remoteness, infrastructure demands and the need to service a non-resident population.
- The review's terms of reference do not consider other key issues such as the quantum of the FAGs pool and the funding escalation methodology. Nonetheless, the Association's submission highlighted the need to address these issues.

*Please refer to the State Council Agenda for full information supporting this recommendation.*

**Notes to Delegates**

*Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.*

**1. Support WALGA recommendation**

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

Nil

**Voting Requirements – Simple Majority**

**Officers Recommendation – Item 13045.6**

That Council consider WALGA State Council Agenda Items and request the CEO present the decided stance on the recommendations to the WALGA Northern Country Zone Delegate.

**COUNCIL RESOLUTION – Item 1345.6**

Moved: Cr L Butler

Seconded: Cr H Wass

That Council consider WALGA State Council Agenda Items and request the CEO present the decided stance on the recommendations to the WALGA Northern Country Zone Delegate.

Carried: 9/0

**13046 OTHER BUSINESS**

CEO to develop suitable policy to ensure contracts of employment are standardised in line with WALGA's, and to ensure salaries are in accordance with the Award structure, WALGA guidelines, and local incentives.

**13046.1 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN**

**13046.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**13046.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**13046.4 DATE OF NEXT MEETING / MEETINGS**

The next Ordinary Council Meeting will be held on the 16<sup>th</sup> April 2013.

**13046.5 CLOSURE**

Cr C King closed the meeting at 3.43 pm.

*I certify that this copy of the Minutes is a true and correct record of the meeting held on 18<sup>th</sup> April 2013.*

*Signed:* \_\_\_\_\_

*Presiding Elected Member*

*Date:* \_\_\_\_\_