

Shire of Perenjori

MINUTES

Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 19th September 2013, commenced at 6.30 pm.

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13091	PRELIMINARIES
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13091.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Cr C King officially opened the meeting at 6:45 pm.

13091.2 OPENING PRAYER

Cr King led Council in the opening prayer.

13091.3 DISCLAIMER READING

Nil

13091.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Cr CR King

Cr LC Butler
Cr GK Reid
Cr JR Cunningham
Cr RP Desmond
Cr PJ Waterhouse
Cr LJ Smith
Ali Mills –CEO
David Fong – SFO Until 7:10pm
Peter Money – Acting MCDS

Leave of Absence

Nil

Apologies

Cr JH Hirsch
Cr HC Wass

13091.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

13091.6 PUBLIC QUESTION TIME

Nil

13091.7 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.

13091.8 APPLICATIONS FOR LEAVE OF ABSENCE

13091.9 CONFIRMATION OF MINUTES

Minutes of Ordinary Council meeting held 15th August 2013 are attached.

COUNCIL RESOLUTION – Item 13091.9
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Moved: Cr Smith

Seconded: Cr Butler

That the minutes from the Ordinary Council Meeting held on Thursday 15th August 2013 be accepted as a true and accurate record.

Carried: 7/0

13091.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Nil

13091.11 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

13092 FINANCE**13092.1 FINANCIAL STATEMENTS – AUGUST 2013**

APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM 0081
DISCLOSURE OF INTEREST:	0
AUTHOR:	DAVID FONG – SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER	ALI MILLS–CEO
REPORT DATE:	09 September 2013
ATTACHMENTS	MONTHLY FINANCIAL REPORT

Executive Summary

- The Financial Activity Statement Report is presented for the Month of 31 August 2013. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

Background

- Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

Details

Presented is the Financial Activity Statement Report – 31 August 2013.

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 1.- Significant Accounting Policies
 - Note 2. - Graphical Representation

- Note 3. – Net Current Funding Position
- Note 4. – Cash & Investments
- Note 5. – Major Variances
- Note 6. – Budget Amendments
- Note 7. – Receivables & Rates Information
- Note 8. – Payables - Borrowings
- Note 9. – Grants and Contributions
- Note 10. – Cash Back Reserves
- Note 11. - Capital Disposals and Acquisitions
- Note 12.- Trust Fund

Legal Compliance

Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996 states –

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
 - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing –
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1) (d); and (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –
 - (a) presented at an ordinary meeting of the council within 2 months after the end of

the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Section 6.8 of the Local Government Act 1995 (Expenditure from municipal fund not included in annual budget) states –

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
- a. is incurred in a financial year before the adoption of the annual budget by the local government; or
 - b. is authorised in advance by resolution*; or
 - c. is authorised in advance by the mayor or president in an emergency.

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 External Contractor.

Comment:

It is recommended that the Financial Activity Statement Report – 31 August 2013 be accepted.

Voting Requirements:

ABSOLUTE MAJORITY.

Officers Recommendation – Item 13092.1

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report – 31 August 2013.
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COUNCIL RESOLUTION – ITEM 13092.1**MOVED: Cr Smith****SECONDED: Cr Cunningham**

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report – 31 August 2013.

CARRIED: 7/0 by absolute majority**13092.2 ACCOUNTS FOR PAYMENT**

APPLICANT:	SHIRE OF PERENJORI
FILE:	1306P
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	DAVID FONG – SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER:	ALI MILLS–CEO
REPORT DATE:	09 September 2013
ATTACHMENTS:	ACCOUNTS FOR PAYMENT

Executive Summary:

Recommendation - The Schedule of Accounts for 31 August 2013 be confirmed.

- The Schedule of Accounts is presented pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
- The report identifies payments made from the Municipal and Trust Fund.

Voting Requirements:**Simple Majority****Background:**

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the Local Government (Financial Management) Regulations 1996.

Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- The payee's name;
- The amount of the payment
- The date of the payment; and
- Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

Legal Compliance:

Section 6.10 (d) of the Local Government Act 1995 refers, i.e.-

6.10. financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment; and

d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

Financial Implications:

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

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:

Nil

Comment:

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

OFFICER RECOMMENDATION/S: ITEM 13092.2

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for 31 August 2013 as attached to and forming part of this report.

That the accounts paid to 31 August 2013 as listed in Schedule covering vouchers numbered from –

Municipal Account	
EFT	\$664,940.60
Direct Debits	\$27,526.89
Cheques	\$83,899.09
Corporate MasterCard	\$8,579.97
Bank Fees	\$397.03
Total	\$785,343.58

Trust Account	
EFT	\$1,300.00
Cheques	\$0
Bank Fees	\$0
Total	\$1,300.00

Totalling \$ 786,643.58 from Muni and Trust Account for the month of August 13.

.....(Author).

.....(Manager/CEO)

COUNCIL RESOLUTION: ITEM 13092.2

MOVED: Cr Waterhouse

SECONDED: Cr Desmond

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for 31 August 2013 as attached to and forming part of this report.

That the accounts paid to 31 August 2013 as listed in Schedule covering vouchers numbered

from –

Municipal Account	
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Bank Fees	\$397.03
Total	\$785,343.58

Trust Account	
EFT	\$1,300.00
Cheques	\$0
Bank Fees	\$0
Total	\$1,300.00

Totaling \$ 786,643.58 from Muni and Trust Account for the month of August 13.

.....(Author).

.....(Manager/CEO)

CARRIED: 7/0

13092.3	LONG TERM FINANCIAL PLAN 2013-2023
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APPLICANT: SHIRE OF PERENJORI
FILE: ADM0477
DISCLOSURE OF INTEREST: Nil
AUTHOR: CEO – ALI MILLS
RESPONSIBLE OFFICER CEO – ALI MILLS
REPORT DATE: 19th September 2013
ATTACHMENTS Long Term Financial Plan – Hard Copy

Executive Summary

The Shire of Perenjori Draft Long Term Financial Plan 2013 – 2017 has been completed and is now presented for Council approval.

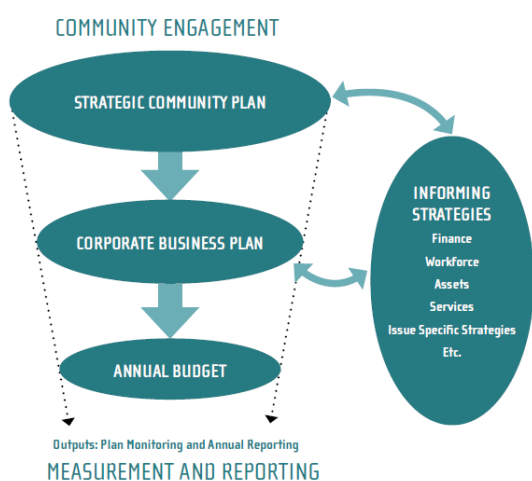
Background

Long term financial planning is a key element of the Integrated Planning and Reporting Framework. It enables the Shire to set priorities, based on their resourcing capabilities, for the delivery of short, medium and long term community priorities.

The Long Term Financial Plan is a ten year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. From these planning processes, Annual Budgets that are aligned with strategic objectives can be developed.

This Plan indicates the Shire’s long term financial sustainability, allows early identification of financial issues and their longer term impacts, shows the linkages between specific plans and strategies, and enhances the transparency and accountability of the Council to the community.

The following figure illustrates how the Long Term Financial Plan informs the Integrated Planning and Reporting Framework.



The Strategic Community Plan sets out the vision, aspirations and objectives for the community over the next 10 years. It is the principal strategy and planning document. This means that it governs all of the work that the Shire undertakes, either through direct service delivery, partnership arrangements or advocacy on behalf of the community. The clear direction set by the Council ensures asset and service provision is focused to meet the requirements of the community, now and into the future.

This long-term strategic financial plan is set against economic uncertainty. The plan addresses operating and capital renewal of the period 2013/14 and concluding in 2022/23. The changing economic circumstances have meant that projections for growth and therefore community demand as facilities and services are subject to how the Australian and State economies recover from the current position.

This plan represents a financial solution to meeting the competing demands of services and facilities to the community. There are numerous ways that will enable the Shire to achieve its objectives. This plan balances the funding needs of renewal and new infrastructure assets, existing services against rating expectations, reasonable fees, debt leverage and the use of accumulated funds held in reserve accounts.

The Long Term Financial Plan will guide the Shire’s financial management in a responsible and sustainable manner. The Shire’s financial sustainability is fostered by maintaining adequate financial reserves to meet long term needs, seeking alternative funding sources and partnerships from the community and other levels of government. The Shire will continue to explore funding innovations as a means to improve services and infrastructure.

The plan will be continuously reviewed to reflect the prevailing economic conditions and changing community needs placed on the Shire. In compiling the plan, consideration has been given to the economic drivers that will influence the future cost of providing facilities and services. The values

disclosed in the plan therefore represent estimated future prices and costs. The plan addresses the Shire's operating and capital requirements from 2013/2014 to 2022/2023.

One of the key challenges for Shire is to ensure it achieves ongoing financial sustainability in order to provide appropriate services and infrastructure for the community into the future. The long term financial estimates are an integral part of Council's strategic planning process, and represent a ten year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. It indicates the Shire's long term financial sustainability, allows early identification of financial issues and their longer term impacts. This plan addresses the operating and capital needs placed on the Shire over the next 10 years. It also shows the linkages between specific plans and strategies, and enhances the transparency and accountability of the Shire to the community.

The key financial strategies underpinning the plan are:

- ✓ achieving operating surpluses;
- ✓ continuous improvement in financial position;
- ✓ maintaining a positive unrestricted cash;
- ✓ development of alternative revenue streams other than rates;
- ✓ maintaining and improving service levels;
- ✓ adequately funding for asset renewal/replacement;
- ✓ Maintaining a fair and equitable rating structure.

Council will need to consider the content of the Long Term Financial Plan when preparing the Annual Budget for 2013/14 and subsequent years, and it is expected that adopted budgets will be closely aligned with the proposals in the Long Term Financial Plan and assumptions underpinning this.

Some minor reviews of the Long Term Financial Plan will occur each year as budgets are prepared to account for performance information and changing circumstances. However, a detailed desktop review is planned for 2015 and a full review will be undertaken in 2017 in conjunction with formal reviews of the Strategic Community Plan.

Statutory Environment

Local Government Act 1995 S 5.56 states:

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The new regulations specify what a 'plan for the future' should involve. In particular, local governments will be formally required to develop and adopt two new planning instruments:

- A Strategic Community Plan, and
- A Corporate Business Plan.

Policy Implications

Nil

Financial Implications

The annual budgets will need to consider the content of the Long Term Financial Plan.

Strategic Implications

Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the shires position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

Consultation

Department of Local Government

Ron Back

Comment

Whilst the Department states the minimum requirements as a part of the Integrated Planning Framework is to have the Community Strategic Plan, and the Corporate Business Plan, they have included the Asset Management Plan, Long Term Financial Plan and Workforce Development Plans to support these documents.

Voting Requirements – Simple Majority**Officers Recommendation – Item 13092.3**

That Council adopts the Shire of Perenjori Long Term Financial Plan 2013.

COUNCIL RESOLUTION – ITEM 13092.3

MOVED: Cr Butler

SECONDED: Cr Reid

That Council adopt the Shire of Perenjori Long Term Financial Plan 2013.

CARRIED: 7/0

13092.4 CORRECTIONS TO BUDGET 2013/14 REPORT AUGUST 2013

APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM 0339
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS - CEO
RESPONSIBLE OFFICER	ALI MILLS - CEO

REPORT DATE: 19 September 2013

ATTACHMENTS NII

Executive Summary

Council adopted the 2013-14 Budget at the ordinary Council meeting on 15th August 2013, with the identification of errors preceding the meeting. Council is asked to consider and support the new recommendation's as presented.

Background

Council adopted the budget for 2013/14 Item 13087, at the Ordinary Council meeting on 15th August 2013. The Council decision consisted of Part A through to Part F, with an error being identified in Part A – Municipal Fund Budget for 2013/2014

Part A – Municipal Fund Budget for 2013/2014

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as contained in Attachment 13072.3 of this agenda and the minutes, for the Shire of Perenjori for the 2013/2014 financial year which includes the following:

- *Statement of Comprehensive Income by Nature and Type*
- *Statement of Comprehensive Income by Program*
- *Statement of Cash Flows*
- *Rate Setting Statement*
- *Notes to and Forming Part of the Budget*
- *Budget Program Schedules*
- *Transfers to/from Reserve Accounts*

An error has also been identified in Part B – General and Minimum Rates, Instalment Payment Arrangements. Item 2 under Part B, stated:

Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments:

- | | |
|--|---------------------------------|
| • <i>Full payment and 1st instalment due date</i> | <i>2nd October</i> |
| • <i>2nd Quarterly instalment due date</i> | <i>28th November</i> |
| • <i>3rd Quarterly instalment due date</i> | <i>24th January</i> |
| • <i>4th Quarterly instalment due date</i> | <i>21st March</i> |

Information received from the Department of Local Government as per the Local Government Act 1995, Part 6 Financial Management, Division 6 Rates and Service Charges, 6.50 states:

Rates or service charges due and payable

(1) Subject to –

(a) subsections (2) and (3); and

(b) any concession granted under section 6.47; and

(c) the [Rates and Charges \(Rebates and Deferrals\) Act 1992](#),

a rate or service charge becomes due and payable on such date as is determined by the local government.

(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

The dates stated in the recommendation adopted by Council on the 15th August 2013, were not of intervals greater than two months, and thus did not comply with the Financial Regulations.

The following dates have been determined which do meet these requirements:

Full payment and 1 st Instalment	11th October 2013
2 nd Instalment	13th December 2013
3 rd Instalment	14th February 2014
4 th Instalment	18th April 2014

Further to this, Note 12 of the budget presented, for *Discounts, Incentives, Concessions & Write-offs – 2013/14 Financial Year* stated a number of Concessions. Assessment # 415 was included in error and now needs to be removed, with a value of \$110, which will reduce the total value of concessions to : \$2,460.

As the information presented did not comply with the Act the decisions made have no effect with the new information and recommendations being presented to allow the matters to be dealt with.

Statutory Environment

Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Area 5: Investing in Councils Capacity – Our Leadership

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

Consultation:

Department of Local Government and WALGA

Comment:

The errors were identified soon after the Ordinary meeting, with advice sought recommending presenting Council with the correct accurate information.

Voting Requirements:

Simple Majority

Officers Recommendation: ITEM 13092.4

That Council

1. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments

Full payment and 1st instalment due date	2nd October
2nd Quarterly instalment due date	28th November
3rd Quarterly instalment due date	24th January
4th Quarterly instalment due date	21st March

2. That assessment 415 valued at \$110 be removed from note 12. Discounts, Incentives, Concessions, & Write-offs – 2013/14 Financial Year, of the Shire of Perenjori 2013/2014 Budget.

COUNCIL RESOLUTION: ITEM 13092.4

MOVED: Cr Smith

SECONDED: Cr Desmond

That Council

1. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments

Full payment and 1 st Instalment	11th October 2013
2 nd Instalment	13th December 2013
3 rd Instalment	14th February 2014
4 th Instalment	18th April 2014

2. That assessment 415 valued at \$110 be removed from note 12. Discounts, Incentives, Concessions, & Write-offs – 2013/14 Financial Year, of the Shire of Perenjori 2013/2014 Budget.

CARRIED: 7/0 By absolute majority

13092.5 FEES AND CHARGES – CARAVAN PARK PROPOSED FEE AMENDMENTS

APPLICANT:	SHIRE OF PERENJORI
FILE:	
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PETER MONEY – ACTING MC&ED
RESPONSIBLE OFFICER:	ALI MILLS - CEO
REPORT DATE:	4th September 2013
ATTACHMENTS	Nil

Executive Summary

This item seeks Council approval to:

- change the names of the Schedule of Fees and Charges of Chalets / Units to Chalets and the Caravan Park Village Cabin to Ensuite Units;
- revise the fees and charges for the caravan park units to better reflect the current demand for accommodation;
- offer a bulk booking discount of 10% if ten or more ensuite units are booked at the same time; and
- set aside a caravan parking area where tourist or long term occupants may park their caravans at a reduced fee.

Background**Clarification of Accommodation Names**

A change is proposed in the Schedule of Fees and Charges to the description of some of the accommodation in the park to avoid confusion. The Chalet /Units should be Chalets as they are not units. The Caravan Park Village Cabin should be Ensuite Units as they are not cabins but self-contained units.

The Shire sets the fees and charges for all accommodation at the caravan park. In its 2013/2014 Budget the fees for the units were increased but the fees do not reflect current market fees for this type of accommodation and as a result the occupancy rate has fallen. There is currently an oversupply and an under demand for accommodation.

Over the past few months the caravan park unit accommodation and the current fee structure has not achieved optimum occupancy. The existing fees make units uncompetitive with other accommodation available in Perenjori and the surrounding District and the proposed changes may encourage greater occupancy of the park and hence increase income.

Further to that a comparison with other parks (refer to the Caravan Park Review) and in considering the complaints and comments received from potential customers regarding the fees, there is dis-satisfaction with the current fees.

The caravan park units also have the capacity to attract bulk booking numbers and the Council could take advantage of this capacity and offer a bulk booking discount of 10% if 10 or more rooms are booked at one time.

There is also a further opportunity to take advantage of a much smaller market in accommodating caravan owners who want to base themselves in Perenjori and want to leave their caravans in the park for longer periods of time while they either work away or want to explore the region without taking their caravans with them.

Intermittent Tenants

Currently there are two users of the caravan park who spend considerable time away from the park but prefer to leave their caravans on site. With the current fee structure they still pay the full rate though there is no water or electricity being used.

If the caravan occupies a powered site then it must be expected the occupant will pay the normal fee regardless whether the caravan is occupied or not as it is taking a bay that could be used by another paying caravan. It is proposed that the Council sets aside an area in the park as a storage area where people can park their caravan at a reduced fee and at their own risk. There will be no use of water or electricity and a serviced site is free to rent out.

The map attached shows an area in the park that could be used for this purpose where the van is relatively secure and in some shade but not occupying a serviced site.

The reduced fee would be used only away from serviced sites as a parking area only and only while the owner is not living in their caravan. On return to the park the owner would be expected to move to a serviced site and pay the normal fee.

Statutory Environment

Local Government Act 1995s 6.16

Local Government Financial Management Regulations s5.2(b)

The requirement to amend or set fees and charges requires an absolute majority.

Policy Implications

Nil

Financial Implications

The financial implications are a potential increase in occupancy and a subsequent increase in unbudgeted income.

Strategic Implications

Corporate Business Plan

Investing in Councils Capacity

Item 30 - Develop high level ability to financially leverage Councils financial capacity

Consultation

Caravan Park Review

Caravan Park Manager

Caravan park occupants

Comment

The proposed change in names of the Chalets Units and Village Cabins better reflects the type of accommodation and will help avoid misunderstanding the fee structure and charging the incorrect fees.

The Shire needs to be innovative and flexible with its fee structures and where possible ensure various fees are aligned with demand for the services provided. A reduction in the fees should encourage greater occupancy providing a better alternative than having the units vacant.

The bulk booking recommended is also aimed at utilizing the park's capacity to the best financial advantage and improving the overall income from the park.

The provision of a caravan parking or storage area offered at a reduced cost could potentially attract more people to Perenjori and the park particularly tourists who may want to base themselves in Perenjori for an extended period. It also further enhances the friendly and cooperative service offered by the caravan park.

Voting Requirements – ABSOLUTE MAJORITY**Officers Recommendation – Item 13092.5**

That Council amends the Schedule of Fees and Charges as follows;

1. Change the names of accommodation on the Schedule of Chalets / Units to Chalets;
2. Change the name of accommodation on the Schedule of Caravan Park Village Cabins to Ensuite Units;
3. Amends the adopted fees for the caravan park units from \$121.00 per night to \$80.00 per night inclusive of GST;
4. Amends the weekly fee for the caravan park units from \$700 per week to \$480.00 per week inclusive of GST;
5. Approves a discounted fee of 10% when units are booked 10 or more at one time by one entity; and
6. Approves a fee for storage of caravans of \$50 per week on condition that the owner is responsible for the safety and security of their caravan and that the caravans are not to be lived in while in the storage area.

COUNCIL RESOLUTION – ITEM 13092.5**MOVED: Cr Smith****SECONDED: Cr Waterhouse**

That Council amends the Schedule of Fees and Charges as follows;

- 1. Change the names of accommodation on the Schedule of Chalets / Units to Chalets;**

2. Change the name of accommodation on the Schedule of Caravan Park Village Cabins to Ensuite Units;
3. Amends the adopted fees for the caravan park units from \$121.00 per night to \$80.00 per night inclusive of GST;
4. Amends the weekly fee for the caravan park units from \$700 per week to \$480.00 per week inclusive of GST;
5. Approves a discounted fee of 10% when units are booked 10 or more at one time by one entity; and

Approves a fee for storage of caravans of \$50 per week on condition that the owner is responsible for the safety and security of their caravan and that the caravans are not to be lived in while in the storage area.

CARRIED: 7/0 by absolute majority

13092.6	FEES AND CHARGES – ANIMAL CONTROL - AMENDMENTS
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APPLICANT:	SHIRE OF PERENJORI
FILE:	
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PETER MONEY – ACTING MC&ED
RESPONSIBLE OFFICER:	ALI MILLS - CEO
REPORT DATE:	4th September 2013
ATTACHMENTS	Nil

Executive Summary

This item seeks Council's adoption of the amended dog registration fees and adoption of the new cat registration fees in accordance with the fees recent set by the State Government. It also seeks amendment of the impounding, sustenance and destruction fees to incorporate cats and dogs.

Background

The Shire is the administrative and enforcement authority for the control of dogs and cats. The State Government sets the fees that will apply.

The Council set the fees with the Annual Budget but changes to the fees being statutory now require amendment by the Council to become effective.

The State Government gazetted the new registration fees for the registering of dogs and cats on 23rd August 2013. Cats are able to be licensed for life and it is expected this will also apply to dogs but not until amendments are made to the Dog Act.

In setting the fees it is acknowledged that the fees approved do not meet the administrative costs of the local government but the ability to pay and the encouragement of registering the animals are important considerations in keeping the fees below the actual administrative costs.

The fees come into effect from 1st November 2013.

Statutory Environment

Local Government Act 1995s 6.16

Local Government Financial Management Regulations s5.2(b)

Dog Act 1976

Cat Act 2011

The requirement is an absolute majority

Policy Implications

Nil

Financial Implications

There are no significant financial implications although there will be likely be some small increase in fees collected.

Strategic Implications

Nil

Consultation

Peter Smith – Canine Control

City of Geraldton

Department of Local Government

Comment

Nil

Voting Requirements – ABSOLUTE MAJORITY

Officers Recommendation – Item 13092.6

1. That Council adopts the statutory dog and cat registration fees below to be effective from 1st November 2013:

DOGS	OLD	NEW FEE
Registration - Dog/Bitch 1 year	\$ 30.00	\$ 50.00
Registration - Dog/Bitch 3 years	\$ 75.00	\$ 120.00
Registration - Dog/Bitch Sterilised 1 year	\$ 10.00	\$ 20.00
Registration - Dog/Bitch Sterilised 3 years	\$ 18.00	\$ 42.50
		25% of
Registration - Working Dogs 1 year	\$ 7.50	fee
Registration - Working Dogs 3 year	\$ 18.75	25% of

		fee	
		25%	of
Registration - Working Dogs Sterilised 1 year	\$ 2.50	fee	
		25%	of
Registration - Working Dogs Sterilised 3 years	\$ 4.50	fee	
Dogs kept in an approved kennel establishment - per establishment		\$ 200.00	
CATS			
Registration Fee (made after 31 May)		\$ 10.00	
Registration Fee (full year)		\$ 20.00	
New or renewal of license - 3 years		\$ 42.50	
New or renewal for life		\$ 100.00	
Annual fee for breeding cats - per cat		\$ 100.00	
<i>*Pensioners are entitled to a 50% discount on animal licensing fees</i>			
GST does not apply to animal licensing fees			
2. That Council amends the name on the Schedule of Fees and Charges in reference to Animal Control for the Impounding, Sustenance and Destruction fees from Dogs to Cats and Dogs this being to incorporate the registering of cats to comply with the Cat Act 2011 which become fully effective from 1 st November 2013. The fees remain the same for Cats and Dogs which reflects the aligning of registration fees.			
Impounding of Cats and Dogs	\$ 55.00	\$ 55.00	
Sustenance per day	\$ 11.00	\$ 11.00	
Destruction of Cats and Dogs	\$ 55.00	\$ 55.00	

COUNCIL RESOLUTION – Item 13092.6**MOVED: Cr Desmond****SECONDED: Cr Butler**

- 1. That Council adopts the statutory dog and cat registration fees below to be effective from 1st November 2013:**

DOGS	OLD	NEW FEE
Registration - Dog/Bitch 1 year	\$ 30.00	\$ 50.00
Registration - Dog/Bitch 3 years	\$ 75.00	\$ 120.00
Registration - Dog/Bitch Sterilised 1 year	\$ 10.00	\$ 20.00
Registration - Dog/Bitch Sterilised 3 years	\$ 18.00	\$ 42.50
		25% of
Registration - Working Dogs 1 year	\$ 7.50	fee
		25% of
Registration - Working Dogs 3 year	\$ 18.75	fee
		25% of
Registration - Working Dogs Sterilised 1 year	\$ 2.50	fee
		25% of
Registration - Working Dogs Sterilised 3 years	\$ 4.50	fee

Dogs kept in an approved kennel establishment - per establishment

\$ 200.00

CATS

Registration Fee (made after 31 May)

\$ 10.00

Registration Fee (full year)

\$ 20.00

New or renewal of license - 3 years

\$ 42.50

New or renewal for life

\$ 100.00

Annual fee for breeding cats - per cat

\$ 100.00

**Pensioners are entitled to a 50% discount on animal licensing fees*

GST does not apply to animal licensing fees

- 2. That Council amends the name on the Schedule of Fees and Charges in reference to Animal Control for the Impounding, Sustenance and Destruction fees from Dogs to Cats and Dogs this being to incorporate the registering of cats to comply with the Cat Act 2011 which become fully effective from 1st November 2013. The fees remain the same for Cats and Dogs which reflects the aligning of registration fees.**

Impounding of Cats and Dogs

\$ 55.00 \$ 55.00

Sustenance per day

\$ 11.00 \$ 11.00

Destruction of Cats and Dogs

\$ 55.00 \$ 55.00

CARRIED: 7/0 by absolute majority

13093 COMMUNITY DEVELOPMENT

Nil

13094 HEALTH BUILDING & PLANNING

Nil

13095 PLANT AND WORKS

13095.1 ROAD MAINTENANCE AUGUST 2013

APPLICANT: MANAGER OF INFRASTRUCTURE

FILE: NIL

DISCLOSURE OF INTEREST: NIL

AUTHOR: KEN MARKHAM – MANAGER OF INFRASTRUCTURE

RESPONSIBLE OFFICER: KEN MARKHAM – MANAGER OF INFRASTRUCTURE

REPORT DATE: 19th September 2013

ATTACHMENTS MAP

Executive Summary

Listed are the roads graded for the month of August.

<i>Baxter rd</i>	<i>Taylor's rd</i>	<i>Bamford rd</i>
<i>Bob Kings rd</i>	<i>Caffins rd</i>	
<i>Spencer rd</i>	<i>Spencer rd</i>	

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

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

Consultation

Nil

Comment

Nil

Voting Requirements – Simple Majority

Officer/Committee Recommendation – Item 13095.1
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That the road maintenance report for August be accepted as presented.

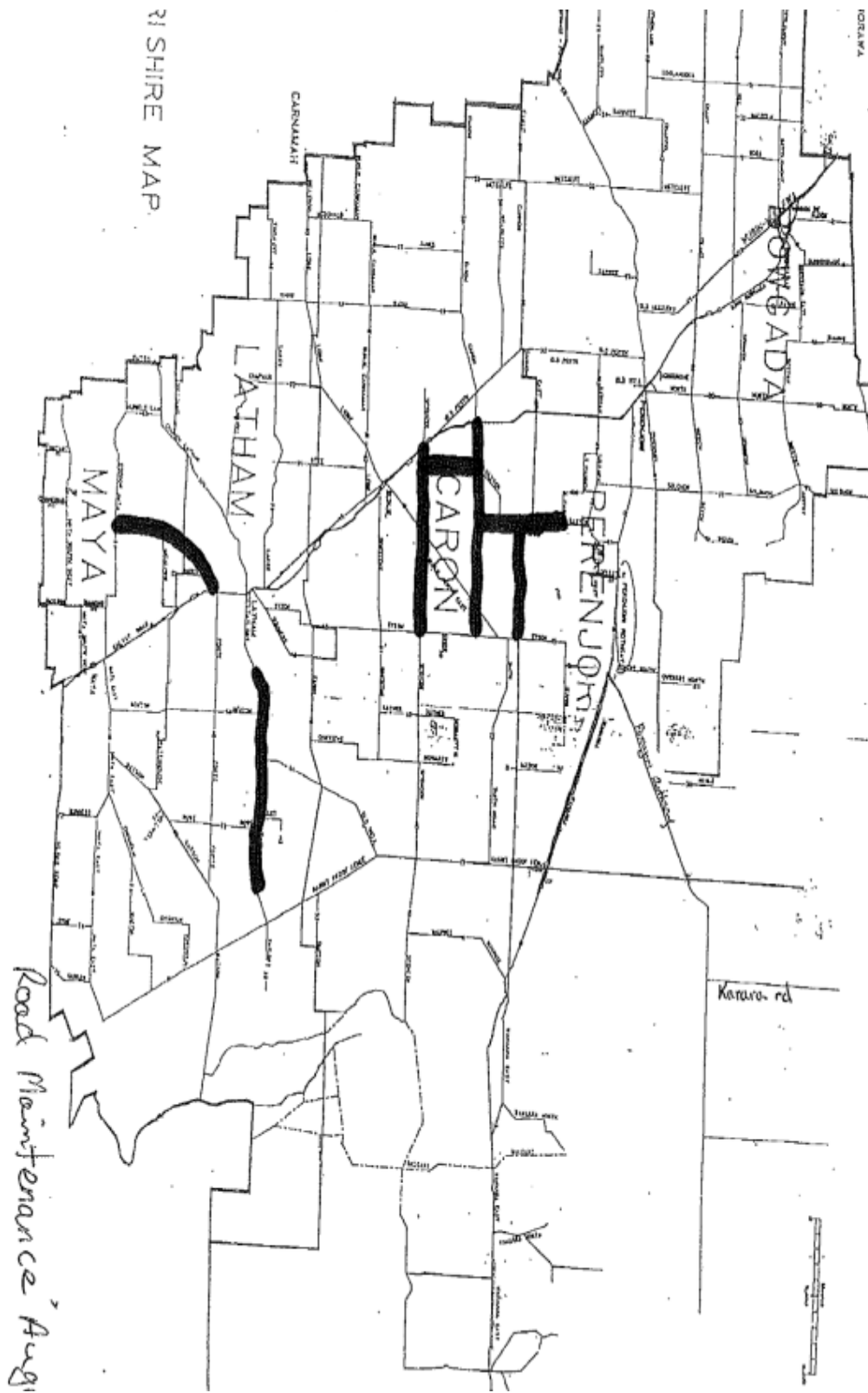
COUNCIL RESOLUTION – ITEM 13095.1
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MOVED: Cr Butler

SECONDED: Cr Reid

That the road maintenance report for August be accepted as presented.

CARRIED: 7/0



13095.2 PLANT MECHANIC REPORT

APPLICANT:	MANAGER OF INFRASTRUCTURE
FILE:	NIL
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	RUSSELL REYNOLDS - MECHANIC
RESPONSIBLE OFFICER:	RUSSELL REYNOLDS - MECHANIC
REPORT DATE:	19th September 2013
ATTACHMENTS	Plant report

Executive Summary

Attached is the plant report for the previous 3 months.

Background

This report is a list of works carried out over the previous 3 months on Shire plant and vehicles. This includes services, warranty work, maintenance and repairs.

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

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

Consultation

Nil

Comment

Nil

Voting Requirements – Simple Majority**Officers Recommendation – Item 13095.2**

That the Mechanic's plant report be accepted as presented for the period of June to August 2013 inclusive.

COUNCIL RESOLUTION – ITEM 13095.2

MOVED: Cr Butler

SECONDED: Cr Cunningham

That the Mechanic's plant report be accepted as presented for the period of June to August 2013 inclusive.

CARRIED: 7/0

13096 GOVERNANCE

Crs Smith, Waterhouse & Desmond declared an interest in Item 13096.1 as they are officials of the clubs involved and advised the Meeting they will not participate in the discussions or voting.

There were insufficient members to form a quorum to vote on this item.

The Item was deferred pending confirmation of voting criteria.

13096.1 SUPPORT TO THE SHIRES GOLF, BOWLS AND SPORTING CLUBS FOR 2013/14

APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM0051
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS - CEO
RESPONSIBLE OFFICER	ALI MILLS - CEO
REPORT DATE:	19 September 2013
ATTACHMENTS	MOU

Executive Summary

This item seeks Council's consideration of continued financial support to the Latham and Perenjori Golf and Bowls Clubs for the 2013/14 financial year.

Background

As a response to queries made by Council at the Ordinary meeting on 18th July 2013, information has been gathered to ascertain the level of support and assistance which has been provided to the Sporting Clubs across the Shire along with support needed and/or expected to be provided in the coming year/s.

Memorandum of Understanding

Information from clubs has been sought along with a review of support provided to various sporting Clubs to assist with previous budget deliberations and to understand the original intent of the support and if this will still be required by clubs. This has involved researching back over the past 5 years to identify financial contributions made to clubs and for what purpose. The research has emerged agreements which were in place in 2006 between the Shire and the Latham and Perenjori Golf and Bowls Clubs. The agreements were in the form of an MOU which involved the Shire of Perenjori providing a sum of money per year to enable the employment of a person or person/s to conduct maintenance for both the Bowls and Golf Clubs in each community.

The MOU dated 2006, to Perenjori and Latham Golf and Bowls Clubs, stated the following:

1. *Maintenance of the bowling green and golf course will be the responsibility of the clubs.*
2. *The clubs have selected xxxxxxxxxxxx as a contractor to perform this maintenance work for the clubs.*
3. *XXXXXXXXXXXX has agreed to perform the work for a flat fortnightly fee regardless of the hours worked in any month, recognising that there is more work leading up to and during bowling season.*

The Shire will:

4. *Provide funds up to \$26,500 per annum towards the cost of this maintenance effort including:*
 - *Pay on invoice to the greenkeeper an amount Current costs of t of \$960.00 Plus GST per fortnight*
 - *Pay such other costs as may be required to providing training for the greenkeeper up to a maximum of \$1,540 Plus GST.*
5. *Continue to provide support for those tasks not directly associated with the employment of a greenkeeper. This would include, for example, maintenance of the equipment, and supply necessary materials.*

Past and Current Support Provided

It is unknown the detail of agreements that are in place now, with no documented details in writing to support any anecdotal information from various parties. It is evident the Latham Golf and Bowling Club has received regular payments over the past 4 years of \$3000 (exc

gst) per month. In addition water usage, pest control, sand supplies and materials have also been paid for by the Shire.

Payments to the Perenjori Golf and Bowls areas has been quite mixed with payments initially made to employ a Green keeper from 2006 to October 2011, and then considerable labour allocations were made when this position became vacant, to more recent when two allocations of \$1500 were made. A rebate of 75% water and 25% power usage was provided to the Perenjori Sports Club valuing at \$6000 for 2012/13, and a one off payment for insurance of \$5000 was paid in 2012/13.

Budget Allocation 2013/14

The current allocation in the budget for Golf and Bowls is \$25,000. This amount took into consideration the conversion of grass to synthetic turf for both Bowling greens in Perenjori and Latham. If divided evenly each club would receive \$12,500 per annum.

Club Information

The Latham Golf and Bowling Clubs operate together which includes the operations of the Club bar, kitchen and facility. The Perenjori Sports Club, Perenjori Bowls Club and Perenjori Golf Clubs all operate separately with their own income and expenditure amounts for each area.

Each Club was written to by the CEO at the end of July 2013 requesting the following:

- 1. Does your club continue to require ongoing financial support from the Shire of Perenjori?*
- 2. If so can you provide details of how much and for what purpose the financial support would be used?*
- 3. Can you provide the Shire with details of your budget for the previous and current financial years. (Income and Expenditure statement for 2012/13 and 2013/14).*
- 4. Any other information you feel would be helpful for Council to have regarding your Club.*

The Latham Golf and Bowls Club have provided the following information:

- Current maintenance costs, estimated at approx. \$8,000 per annum
- Account Balance Details
- Future needs – for projects, estimated at \$85,000 including, replacement mowers, artificial turf tees, fairway markers, flags poles and cups, tables and chairs and carpet.

The Perenjori Sports Club has provided the following information:

- Profit and Loss statement
- Indication of previous assistance and current needs, includes \$6000 power and water rebates, building insurance approx. \$5000,
- Current operational costs,

The Perenjori Golf Club has provided the following information:

- Current maintenance costs estimated at approx., \$5000 per annum
- Annual Financial Statement, with current balance
- Future needs – for continued improvement to upgrade the facility, estimated approx. \$27,000.

Statutory Environment

NII

Policy Implications:

Council has a Donations Policy, which does provide some minor support to Community based groups and Clubs within the Shire. The recommendations support the principles within the Donations Policy.

Financial Implications:

NII

Strategic Implications:

Area 3: People and place – Our Community

Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities, and services to enable people to meet their needs and achieve their potential.

Consultation:

Perenjori Sports Club
Perenjori Bowls Club
Perenjori Golf Club
Latham Golf and Bowls Club

Comment:

Council's resources are increasingly becoming limited requiring careful review and application of funds for expenditure areas. Whilst MOU's were in place in 2006 with Perenjori and Latham, Golf and Bowls Clubs, these arrangements have not kept pace with the current situation and would benefit from a review. There have been inconsistencies with contributions made across the Clubs with the intentions not well documented.

Voting Requirements:

Simple Majority

Officers Recommendation: Item 13096.1

That Council:

1. Allocate the 2013/14 budget account of Golf and Bowls Expense #11408 evenly across the Perenjori Golf Club and Latham Golf and Bowls Club, providing \$12,500 (exc gst) each per annum
2. Request the CEO write to each of the Golf and Bowls Clubs to advise that:
 - i. A Memorandum of Understanding providing details of the payments and their use will be established;
 - ii. Funds can be available to contribute to projects and capital items through the Mount Gibson Community Benefit Fund,
3. Request the CEO write to the Perenjori Sporting Club to advise them there is no allocation in the adopted 2013/2014 budget to support their operations; and that a consideration will be made in the budget review process in 2014.

COUNCIL RESOLUTION: Item 13096.1

MOVED: Cr

SECONDED: Cr

That Council:

1. Allocate the 2013/14 budget account of Golf and Bowls Expense #11408 evenly across the Perenjori Golf Club and Latham Golf and Bowls Club, providing \$12,500 (exc gst) each per annum
2. Request the CEO write to each of the Golf and Bowls Clubs to advise that:
 - i. A Memorandum of Understanding providing details of the payments and their use will be established;
 - ii. Funds can be available to contribute to projects and capital items through the Mount Gibson Community Benefit Fund,
3. Request the CEO write to the Perenjori Sporting Club to advise them there is no allocation in the adopted 2013/2014 budget to support their operations; and that a consideration will be made in the budget review process in 2014.

CARRIED: Deferred

Cr King declared a financial interest in Item 13096.2 as he is Chairman of NACC and left the meeting at 7:40PM.

Cr Butler declared an impartiality interest in Item 13096.2 as he is a member of Yarra Yarra and left the meeting at 7:40PM.

13096.2.1 COUNCIL RESOLUTION

MOVED: Cr Desmond **SECONDED:** Cr Smith

That Cr Reid takes the Chair for the duration of this Item.

Carried 5/0

13096.2 NORTHERN AGRICULTURAL CATCHMENT COUNCIL (NACC) OFFICE ACCOMMODATION IN PERENJORI

APPLICANT:	NACC
FILE:	ADM0160
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS - CEO
RESPONSIBLE OFFICER	ALI MILLS - CEO
REPORT DATE:	19TH September 2013
ATTACHMENTS	LETTER FROM NACC

Executive Summary:

NACC has written to Council seeking assistance to accommodate an increase in staff within the Lesser Hall. Council is being asked to support this request.

Background:

NACC and Yarra Yarra share office space in the former Lesser Hall. NACC has requested the Shire's assistance to accommodate an increase in staff. NACC has recently recruited Natural Resource Management Officers (NRMO's) to work in the eastern side of the Northern Agricultural Region and wishes to access additional office space at Perenjori.

NACC has been in discussions with the Executive Officer of the Yarra Yarra Catchment Management Group (YYCMG) who have been occupying space adjacent to the current NACC office in the Lesser Hall. NACC is proposing to take up the space previously occupied by YYCMG. It is planned to have a further three desks located in the space.

NACC have been paying \$132 per week for the office space they have been using, whilst no income has been received from YYCMG.

Statutory Environment:

NIL

Policy Implications:

NIL

Financial Implications:

No reduction in rental income is expected.

Strategic Implications:

Area 1: Infrastructure and Natural Assets - Our Natural and Built Environment

Goal: A community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

Consultation:

NACC

Comment:

It is of benefit to the community to have the NRMO's located in Perenjori, and it is being encouraged that they also reside in Perenjori.

Voting Requirements:

Simple Majority

Officers Recommendation: ITEM 13096.2
That Council: <ol style="list-style-type: none">1. Support the expansion of NACC in Perenjori and provide the office space at the existing rate of \$132 per week.2. Request the CEO ensure an agreement is in place between the Shire of Perenjori and NACC for the Office space within the Lesser Hall.

COUNCIL RESOLUTION: ITEM 13096.2
MOVED: Cr Smith SECONDED: Cr Cunningham
That Council: <ol style="list-style-type: none">1. Support the expansion of NACC in Perenjori and provide the office space at the existing rate of \$132 per week.2. Request the CEO ensure an agreement is in place between the Shire of Perenjori and NACC for the Office space within the Lesser Hall.
CARRIED: 5/0

Cr King returned to the meeting after the matter was resolved and resumed the chair at 7:42PM.

Cr Butler returned to the meeting after the matter was resolved at 7:42PM.

Cr Cunningham declared a proximity interest in Item 13096.3 as he is a neighbour of the applicant.

13096.3.1 COUNCIL RESOLUTION

MOVED: Cr Desmond	SECONDED: Cr Reid
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That Cr Cunningham's interest be noted and that he be permitted to remain in the Meeting and be permitted to vote on the Item.
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CARRIED: 6/0

13096.3	EXTRACTIVE INDUSTRIES APPLICATION – LEOPOLD CONTRACTING
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APPLICANT: LEOPOLD CONTRACTING

FILE: ADM0446

DISCLOSURE OF INTEREST: Nil

AUTHOR: Peter Money Acting MC&DS

RESPONSIBLE OFFICER: Ali Mills - CEO

REPORT DATE: 19th September

ATTACHMENTS Extract of Local Law; Site maps; Application forms

Executive Summary

This item recommends the Council approve the Development Application by Leopold Contracting for the carrying out of an extractive industry in the locations shown on the applicant's submission and agrees to not apply the conditions specified in s2.3(1)(b)(d)(e)(l) of the Local Law.

The item also recommends that the Council approve the issuing of an Extractive Industries License to the applicant for the sites shown on the attached maps for a period of 21 years, subject to annual renewal and subject to compliance with the conditions imposed by the Council.

Background

The Extractive Industries *Local Law* was gazetted on 28th March 2013 and is now applicable. In accordance with Section 1.4 (1)(a)(ii) of the *Local Law* the licensing conditions are applicable even if the excavation was commenced prior to the enactment of the *Local Law*.

The applicant has been operating an extractive industry and has sought Council direction on what statutory requirements are applicable as the applicant wants to ensure compliance with the Local Law. The applicant has been asking the Shire for guidance in complying with the requirements of the Local Law and has complied with all necessary advertising requirements.

There has been some delay in presenting this item to the Council as the internal Shire resources were not available to manage these processes. However this has now changed and Shire staff have been working with the applicant to ensure compliance with the Local Law.

There are extensive requirements under the Local Law but some sections of the Local Law do not apply if the proposed excavations are less than 5,000 square metres and if the extracted material is less than 5,000 cubic metres in volume. The applicant has applied for a license for several sites on their property none of which will exceed 5,000 square metres or 5,000 cubic metres and therefore a number of conditions in the Local Law may be exempted by the Council at its discretion. In this instance it is recommended that the Council approves the exclusion of the conditions of clauses 2.3(1)(b)(d)(e)(l) of the Local Law.

The Local Law in section 2.3(1)(a)(i)(l) specifies that the applicant provides *existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals*. In this application the extraction is not to exceed one metre in depth which makes the provision of a contour map of one metre intervals superfluous and it is recommended that Council does not apply this requirement.

The applicant has advised there are no encumbrances on the land such as power lines, water supplies, drains or telecommunications that will infringe on the proposed excavations or that could be affected by the proposed excavations.

There could be some impact of the Shire roads of Bowgada East Road and Cunningham Road due to increased heavy vehicle traffic and this activity will need to be monitored by the Shire. Because there may be some impact on these roads the Council may want a condition to apply that will enable the Shire to have some assurance there will be no adverse costs in maintaining these roads.

On-site road access is by use of existing access and egress points onto gazetted roads.

Public notification

The applicant has advertised the proposal in the Geraldton Guardian newspaper 21/08/2013 which is a District newspaper and the Bush Telegraph and complies with the advertising requirements. The applicant has also notified the single adjoining owner and evidence of both is provided. At the time of writing this report no objections or comments have been received.

Zoning

The land area is zoned rural and in accordance with clause 4.3 of the Local Planning Scheme an extractive industry on rural zoned land is a use that is not permitted unless the local government has exercised its discretion by granting planning approval. According to clause 9.4 (of the Model Scheme Text) the Council may also give public notice of the development application if it considers this necessary. It is recommended that the Council declines this process as the development is not significant and has no known impact on residential or urban areas.

Environment

Though the proposed excavations are not within any reasonable proximity to residential or other amenities there are likely to be some dust issues with the operations. A condition that the use of water or dust suppression material should be used to control dust has been recommended.

The land is already cleared and therefore there should be no impact in terms of land clearing. The applicant intends to store the removed surface soils for later rehabilitation which will allow the land to revert to cleared farm land.

Access roads

The sites have existing road / track access and there will be no requirements to create any new access roads.

Risk analysis

Failure to undertake rigorous assessment of planning applications is considered to pose the following risks:

- Proliferation of incompatible land use development;
- Council's reputation as a regulatory authority;
- Protection of zones to accommodate intended activities or reduction of surrounding property amenity;
- Barrier to development and associated economic growth within the Shire.

The proposal is permissible at the Council's discretion and is compatible with current land use.

The applicant is following the requirements of the Local Law in all respects and there is no adverse reflection on the Council as the regulatory authority.

The proposed sites are some distance from accommodation and there is not expected to be any adverse impact on residential or other domestic amenities.

If this Council approves this application there is a benefit in economic activity within the Shire which is encouraged by the Council.

It is recommended that the Council uses its discretionary authority to approve the development application and approve the issuing of an Extractive Industry License with the recommended conditions applicable. The applicant must also comply with the statutory requirements of the *Local Law*.

Statutory Environment

Shire of Perenjori Extractive Industries Local Law 2013
Local Planning Scheme2 s4.3.2

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Business Plan

Area 2: Industry and Business Development – Our Economy

Goal: Fostering and maximising growth across the economy, embracing opportunities for diversifying and strengthening our economic base.

Consultation

The applicant has advised the neighbouring property owner, placed an advertisement in the Geraldton Guardian and Bush Telegraph.

Comment

The preparation for an extractive industry application is a new process for the Shire and there has been careful compliance with the onerous requirements of the *Local Law* in reaching the recommendations offered.

The Council has the discretionary authority to approve or refuse the application and has the authority to apply the conditions it considers are necessary and reasonable.

The attached extract from the *Local Law* has a series of conditions with strikethrough fonts and these are the conditions the Council can apply or not apply in part or wholly at its discretion. They are shown as such to ensure the Council is aware of what those conditions are.

Voting Requirements – Simple Majority**Officers Recommendation – Item 13096.3**

That Council approve the planning application by Leopold Contracting for the establishment of sand and gravel extraction operations at the locations designated on the enclosed maps and not apply the conditions specified in clause 2.3(1)(b)(d)(e)(l) of the Extractive Industries Local Law.

That Council authorises the issue of an Extractive Industries License subject to the payment of the scheduled fee and on the following conditions:

- i. The period of the license is not to exceed 21 years and is to be renewed annually with payment of the scheduled fee;
- ii. Evidence of a public liability policy to be provided annually and in accordance with Section 7.1(1) of the Local Law for the sum of \$10,000,000;
- iii. Entering an agreement with the Shire of Perenjori to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;
- iv. Stockpiling extracted surface material within usable proximity to the excavation;
- v. The hours during which any excavation work may be carried out to be between 0500 and 1900 daily;
- vi. Should any crushing or treatment plant be employed this will be enclosed within suitable buildings to minimise the emission of noise, dust, vapour

- and general nuisance to the satisfaction of the local government and be subject to a standard building application;
- vii. The depths of the excavation is to be in accordance with the application;
 - viii. Safety measures are to be employed to secure employee and visitor safety on the excavation site;
 - ix. The applicant will control dust and wind-blown material when necessary with water or other suppression materials.

COUNCIL RESOLUTION – Item 13096.3**MOVED: Cr Butler****SECONDED: Cr Desmond**

That Council approve the planning application by Leopold Contracting for the establishment of sand and gravel extraction operations at the locations designated on the enclosed maps and not apply the conditions specified in clause 2.3(1)(b)(d)(e)(l) of the Extractive Industries Local Law.

That Council authorises the issue of an Extractive Industries License subject to the payment of the scheduled fee and on the following conditions:

- i. **The period of the license is not to exceed 21 years and is to be renewed annually with payment of the scheduled fee;**
- ii. **Evidence of a public liability policy to be provided annually and in accordance with Section 7.1(1) of the Local Law for the sum of \$10,000,000;**
- iii. **Entering an agreement with the Shire of Perenjori to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;**
- iv. **Stockpiling extracted surface material within usable proximity to the excavation;**
- v. **The hours during which any excavation work may be carried out to be between 0500 and 1900 daily;**
- vi. **Should any crushing or treatment plant be employed this will be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government and be subject to a standard building application;**
- vii. **The depths of the excavation is to be in accordance with the application;**
- viii. **Safety measures are to be employed to secure employee and visitor safety on the excavation site;**
- ix. **The applicant will control dust and wind-blown material when necessary with water or other suppression materials.**

CARRIED: 7/0

13096.4 JOINT HOUSING PROJECT

APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM0366
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	ALI MILLS - CEO
RESPONSIBLE OFFICER	ALI MILLS - CEO
REPORT DATE:	19th September 2013

ATTACHMENTS: Nil**Executive Summary:**

This report presents new accurate and correct information which emerged after Councils decision made at the Ordinary meeting held on 15th August 2013. Council is asked to consider the new information and endorse the recommendations as presented.

Background:

Regional Country Local Government Funding (CLGF) has been approved to contribute towards the construction of three (3) triplex units in each of the town sites of Mingenew, Perenjori and Three Springs for worker accommodation. The Shire of Mingenew is the lead for this project being the administrator of the funds for all shires.

A total of \$933 111 has been approved, with an allocation of \$311,000 per Shire. The Financial Assistance Agreement (FAA) was signed by all Shires in May 2013.

The units are required to accommodate Shire staff who are currently being accommodated in larger Shire houses.

The new smaller accommodation units will enable the respective Shires to provide appropriate accommodation options to staff and allow for any proposed increase in future staff numbers. Shire funds currently being expended on renting private accommodation for staff will be used to carry out necessary future maintenance on shire accommodation units.

The new accommodation units will also allow the respective Shires to upgrade the quality of their existing houses/units to meet the reasonable expectations of current and future staff. Tenders for the Design and Construct of two, two bedroom two bath units in each of the three shires were advertised with the closing date being the 27th June 2013. Ten compliant tenders were received with one tender being received after the due date. The tenders included specific requirements along with optional components which allowed for a provision to incorporate a variety of designs to suit the particular needs of each Shire.

Shire of Three Springs Environmental Health Officer provided a spreadsheet with the costing details included for each Shire to assess. An individual sheet has been developed based on the Shire of Perenjori. The spreadsheet is attached.

The criteria for the tender included:

- Relevant experience
- Key personnel Skills, experience and resources
- Demonstrated Understanding
- Local Contractors Content, and
- Design

Each of the tenders were assessed based on the criteria above, with no included for price.

Council's budget for this project was set at \$500,000, consisting of:

- \$311,000 CLGF regional funds
- \$89,604 RDA funds (to be confirmed)
- \$99,396, Council Reserve funds

Council endorsed the following recommendation at its meeting on the 15th August 2013:

1. *That Council does not accept any of the tenders for RFT 01/13 as submitted for the Joint Housing Project – Design and Construct.*
2. *That Council request the CEO contact the preferred tenderers for RFT01/13 based upon the assessment conducted and negotiates with them to meet a maximum budget of \$500,000.*

Advice from WALGA procurement and governance staff has identified these decisions breach the Tender Regulations and thus cannot be implemented. As a consequence the decisions have no effect and the matter needs to now be dealt with within the Act.

The following Regulation outlines due process:

Local Government (Functions & General) Regulations 1996

Part 4, Division 2, Tenders for providing goods or service (s 3.57)

Section 18. Rejecting and accepting tenders

(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.

As the price was not included as criteria, no tenderer can be rejected for that reason, and thus there will be a need to re-tender with the inclusion of price to ensure this can be included in the assessable criteria.

Statutory Environment

Section 3.57 Local Government Act 1995 (“the Act”)

Part 4 Local Government (Functions and General) Regulations 1996 (“the Regulations”)

Local Government (Functions and General) Amendment Regulations 2007 (“the Regulations”)

Trade Practices Act (Cth) 1974

Standing Orders Local Law 1999

Policy Implications:

Council’s purchasing policy provides the guidelines for the tendering process.

Financial Implications:

\$500,000 has been allocated in the draft 2013/14 budget, funding is still to be secured from RDA.

Strategic Implications:

Area 5: Investing in Councils Capacity – Our Leadership

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

Consultation:

Department of Local Government

WALGA

Shires of Mingenew and Three Springs

Comment:

The tenders received provided a variety of designs, materials and finishes. Whilst these were all comparable the prices presented showed considerable variations. Whilst none of the tenderers were able to meet the budget allocated for this project price was not included as an assessable criteria. The information provided to Council was provided in good faith upon advice from other Shires however given the advice received it would now be advisable for Council to re-tender and operate within the Regulations as stated.

Voting Requirements:

Simple Majority

Officers Recommendation – Item 13096.4

That Council endorse the following, meeting the Regulations as detailed in Section 3.57 Local Government Act 1995:
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- | |
|---|
| <p>1. Not select any tenders for, RFT 01/13 on the basis that the scope requested cannot meet the budget, and re-tender with an alternate scope to allow the market to respond to a set budget and propose options.</p> |
|---|

COUNCIL RESOLUTION – Item 13096.4
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MOVED: Cr Smith

SECONDED: Cr Cunningham

That Council endorse the following, meeting the Regulations as detailed in Section 3.57 Local Government Act 1995:

1. Not select any tenders for, RFT 01/13 on the basis that the scope requested cannot meet the budget, and re-tender with an alternate scope to allow the market to respond to a set budget and propose options.

CARRIED: 7/0

13096.5	CEO LEAVE REQUEST
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APPLICANT:	Ali Mills - CEO
FILE:	PER259
DISCLOSURE OF INTEREST:	0
AUTHOR:	Ali Mills – CEO
RESPONSIBLE OFFICER	Ali Mills – CEO
REPORT DATE:	19 th September 2013
ATTACHMENTS	NIL

Executive Summary:

This item seeks Council endorsement of short leave for the CEO.

Background:

The CEO is proposing to take 2 days leave commencing on the 21st October 2013 and returning to work on the 23rd October 2013.

The CEO is proposing to take 6 days annual leave commencing on the 1st November 2013 and returning to work on the 11th November 2013.

As the leave periods are for a short time and does not coincide with any Council meetings it is not proposed to have an Acting CEO.

The CEO is entitled to 4 weeks annual leave as of the 15th October 2013, as per the contract.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil, part of annual salaries budget.

Strategic Implications:

Nil

Consultation:

Staff to prepare for leave

Comment:

Nil

Voting Requirements:

Simple Majority

Officers Recommendation: Item 13096.5

That Council approve the following leave dates for the CEO:

Two days leave commencing on the 21st October 2013 and returning to work on the 23rd October 2013.

Six days annual leave commencing on the 1st November 2013 and returning to work on the 11th November 2013.

COUNCIL RESOLUTION: Item 13096.5

MOVED: Cr Cunningham

SECONDED: Cr Waterhouse

That Council approve the following leave dates for the CEO:

Two days leave commencing on the 21st October 2013 and returning to work on the 23rd October 2013.

Six days annual leave commencing on the 1st November 2013 and returning to work on the 11th November 2013.

CARRIED: 7/0

13096.6	ORDINARY ELECTION 2013
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APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM0026
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	PETER MONEY – ACTING MC&DS
RESPONSIBLE OFFICER:	ALI MILLS - CEO
REPORT DATE:	12th September 2013
ATTACHMENTS	Nil

Executive Summary

This report is a summary of the 2013 Ordinary Election for four vacant positions of the Perenjori Shire Council.

Background

The election was to fill four vacant seats - one in the Latham / Caron ward and three in the Perenjori Ward. All seats are for a four year term.

There was to be one polling place that being the Perenjori Shire Office.

Nominations were managed by Peter Money & Teegan Hickey who were appointed Deputy Returning Officers under authority of the Returning Officer / CEO.

The nominations were received in accordance with the Local Government Act and Local Government (Elections) Regulations. The acceptance of nominations ceased at 4:00PM sharp on 12th September 2013 at which time four nominations had been received for the four vacant positions.

In accordance with s4.55 of the Local Government Act the returning Officer declared the four candidates elected unopposed.

Results:

Latham / Caron Ward – Jenny Hirsch was elected unopposed

Perenjori Ward – Rodney Desmond, Lisa Smith and Laurie Butler were elected unopposed.

All terms are for 4 years.

Statutory Environment

In accordance with s4.20(1) of the Local Government Act the CEO was the Returning Officer for this election The Returning Officer appointed two employees as Deputy Returning Officers to assist with the election in accordance with s4.21 of the Act.

The election was to be conducted as an in-person election.

Policy Implications

Nil

Financial Implications

There was no significant cost in conducting the election as there were four candidates for the four positions and the candidates were elected unopposed.

Strategic Implications

Nil

Consultation

Nil

Comment

Nil

Voting Requirements – Simple Majority**Officers Recommendation – Item 13096.6**

That the Ordinary Election 2013 report be received.

COUNCIL RESOLUTION – ITEM 13096.6

MOVED: Cr Waterhouse

SECONDED: Cr Reid

That the Ordinary Election 2013 report be received.

CARRIED: 7/0

13097 PROJECT STATUS REPORT

APPLICANT:	SHIRE OF PERENJORI
FILE:	Nil
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS–CEO
RESPONSIBLE OFFICER	ALI MILLS–CEO
REPORT DATE:	12th September 2013
ATTACHMENTS	Project Status Report

SUMMARY

The project status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the project status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Officers Recommendation – Item 13097

Council accepts the Project Status Report for month of September 2013 as presented.

COUNCIL RESOLUTION – ITEM 13097

MOVED: Cr Butler

SECONDED: Cr Reid

Council accepts the Project Status Report for month of September 2013 as presented.

CARRIED: 7/0

13098 STATUS REPORT

APPLICANT:	SHIRE OF PERENJORI
FILE:	Nil
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS–CEO
RESPONSIBLE OFFICER	ALI MILLS–CEO
REPORT DATE:	12th September 2013
ATTACHMENTS	Status Report

SUMMARY

The status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Officers Recommendation – Item 13098

Council accepts the Status Report for the month of September 2013 as presented.

COUNCIL RESOLUTION – ITEM 13098

MOVED: Cr Cunningham

SECONDED: Cr Reid

Council accepts the Status Report for the month of September 2013 as presented.

CARRIED: 7/0

13099 CONFIDENTIAL ITEMS**13099.1 MISCELLANEOUS LICENCES - EXTENSION HILL**

APPLICANT:	EXTENSION HILL PTY LTD AND MGM PIPELINES PTY LTD
FILE:	ADM0157
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS - CEO
RESPONSIBLE OFFICER	ALI MILLS - CEO
REPORT DATE:	19 September 2013
ATTACHMENTS	LEGAL ADVICE AND AGREEMENT – DRAFT 2

Officers Recommendation: Item 13099.1

That Council:

1. Endorse the recommendations made by Civic Legal with regard to the Agreement relating to Miscellaneous Licences for Extension Hill Magnetite Project, Draft 2 November 2012.
2. Request the CEO obtain advice from the Local Government Insurance Service regarding the agreement and any implications this may cause to insurance schedules.
3. Request the CEO notify Extension Hill Pty Ltd of the recommended changes required before the agreement will be signed.

COUNCIL RESOLUTION 13099.1

MOVED: Cr Smith

SECONDED: Cr Desmond

That Council:

1. Endorse the recommendations made by Civic Legal with regard to the Agreement relating to Miscellaneous Licences for Extension Hill Magnetite Project, Draft 2 November 2012.
2. Request the CEO obtain advice from the Local Government Insurance Service regarding the agreement and any implications this may cause to insurance schedules.
3. Request the CEO notify Extension Hill Pty Ltd of the recommended changes required before the agreement will be signed.

CARRIED: 7/0

13099.2 REVIEW OF SHIRE RENTAL PROPERTY LEASE'S

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	Ali Mills – CEO
RESPONSIBLE OFFICER	Ali Mills – CEO
REPORT DATE:	19th September 2013
ATTACHMENTS	Rental Appraisal Report

Officers Recommendation: Item 13099.2

1. That Council adopts the revised schedule of rentals notifying tenants of the changes to be applied within the time frame set out in the Tenancy Act.
2. To charge the CEO with the role of ensuring an annual review of all Shire owned residential properties is conducted and presented to Council.

COUNCIL RESOLUTION: Item 13099.2**MOVED: Cr Waterhouse****SECONDED: Cr Reid**

1. That Council adopts the revised schedule of rentals notifying tenants of the changes to be applied within the time frame set out in the Tenancy Act.
2. To charge the CEO with the role of ensuring an annual review of all Shire owned residential properties is conducted and presented to Council.

CARRIED: 7/0**13100 OTHER BUSINESS****13100.1 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN****13100.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13100.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**13100.3.1 COUNCIL DECISION TO ACCEPT LATE ITEM**

MOVED: Cr Smith

SECONDED: Cr Cunningham

That Council agrees to address the Late Item being the Review of the Forward Capital Works Plan 2012/2013 as presented.

CARRIED: 7/0

13100.3.2. REVIEW OF FORWARD CAPITAL WORKS PLAN 2012/13

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS – CEO
RESPONSIBLE OFFICER	ALI MILLS – CEO
REPORT DATE:	19TH September 2013
ATTACHMENTS	Reviewed Forward Capital Works Plan

Executive Summary:

The Department of Regional Development requires the Forward Capital Works Plan to be reviewed annually. This report seeks Council's endorsement of the reviewed plan for 2013/14.

Background:

Council's Forward Capital Works Plan (FCWP) was developed in February 2011 by consultants Morrison Low and adopted by Council in February 2011. The FCWP sets out the proposed capital investments in local infrastructure over 5 years, and includes those projects for which we will seek other external funding or access to the regional component of the CLGF. The FCWP is now a requirement for access to the local component of the CLGF.

As a part of the CLGF guidelines an annual review of the FCWP is required and is a condition along with others to the receipt of further funding rounds.

The CEO has reviewed the results from the consultations conducted in the formation of the Community Strategic Plan and the detailed project list in the Corporate Business Plan, 2013. and in particular the Project Ranking Sheet which detailed areas of priority and projects.

The CEO has examined the Forward Capital Works Program taking into account the results from the Community Strategic Plan and Corporate Business Plan, with projects listed in the FCWP stating those which have been implemented, and projects identified to be implemented.

The following table presents the projects identified to be implemented in 2011/12 utilising CLGF local funds as per the Finance Assistance Agreement and the changes proposed to meet the current priorities:

Project	Variation	CLGF 2011/12	CLGF 2012/13
Latham Sports Club	No change	\$100,000	nil
Business Incubator	Reduced by \$122,000	\$28,000	\$122,000
Regional Trails Plan	No Change	\$22,771	nil
Early Child Centre	No Change	\$105,000	nil
Latham Bowling Green	Increased by \$122,000	\$122,000	nil
TOTAL		\$377,771	

The projects for the 2012/13 CLGF round including the above changes are:

Project	Variation	CLGF 2011/12	CLGF 2012/13
Telecommunications	No change	nil	\$150,000
Business Incubator	Increased by \$122,000	\$28,000	\$122,000
Early Childhood Centre	No Change	\$105,000	\$105,000

A variation request to DRD will be required to change the projects to bring forward the Latham Bowling Green and reduce the allocation in the 2011/12 round for the Business Incubator Project, by \$122,000, and add the Latham Bowling Green project of \$122,000. An increase in the allocation for the Business incubator project of \$122,000 will be required for the 2012/13 CLGF funding.

Statutory Environment:

It is a requirement to have a current FCWP which is reviewed annually by Council.

Policy Implications:

Nil

Financial Implications:

There are no net financial impacts.

Strategic Implications:

Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the Shires position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

Consultation:

The CEO has consulted with RDD staff

Comment:

The Corporate Business Plan has provided the basis now for the implementation of all projects. This needs to provide the guidance for the FCWP also with both being reviewed annually.

Voting Requirements: Simple Majority

Officers Recommendation – Item 13100.3.2

That the road maintenance report for August be accepted as presented.

That Council adopt the Forward Capital Works Plan 2013/14 – Revision including the following changes:

- 1. Decrease the allocation to the Business Incubator Project for the 2011/12**
- 2. Removing the Latham Bowling Green Project for the 2012/13 round with a reduced allocation of \$122,000 and an increase to the Business Incubator Project of \$122,000**

COUNCIL RESOLUTION: Item 13100.3.2

MOVED: Cr Smith

SECONDED: Cr Butler

That the road maintenance report for August be accepted as presented.

That Council adopt the Forward Capital Works Plan 2013/14 – Revision including the following changes:

- 1. Decrease the allocation to the Business Incubator Project for the 2011/12**

2. Removing the Latham Bowling Green Project for the 2012/13 round with a reduced allocation of \$122,000 and an increase to the Business Incubator Project of \$122,000

CARRIED: 7/0

13100.4 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Council Meeting will be held on the 17th October 2013 at 1:30pm.

13100.5 CLOSURE

Cr C King officially closed the meeting at 8:16 pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 19th September 2013.

Signed: _____

Presiding Elected Member

Date: _____