

AGENDA

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ORDER OF BUSINESS

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
4. PUBLIC QUESTION TIME
5. APPLICATIONS FOR LEAVE OF ABSENCE
6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS
7. CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 14 June 2007, be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED
THE PRESIDENT
MRVC
ACEO

11. REPORTS OF COMMITTEES

11.1 HEALTHY COMMUNITY PROJECT REFERENCE COMMITTEE

OFFICER RECOMMENDATION

That the Minutes of the HCPRC meeting held on 9 July 2007 be received by Council.

OFFICER RECOMMENDATION

That the following HCP Committee Decisions be endorsed and implemented:

HC0705 (4.2.1) Caregivers' Monthly Respite Day

That Council approve a monthly carers' respite trip to Geraldton for an initial period of six months with a total estimated cost of \$1,800.

HC0707 (4.2.3) Harry Potter Excursion

That Council approve that the Harry Potter Excursion to Geraldton for the highest point achievers, be funded by the Healthy Community Project – estimated total cost \$495.

HC0708 (4.2.4) Holiday Program for the July Holidays

That Council approve that the Holiday Program for the July holidays be funded by the Healthy Community Project – estimated cost \$530.

HC0709 (4.2.5) Movie Night at Cue

That Council approve the overnight stay at Cue and that the estimated cost of \$500 be funded by the Healthy Community Project.

HC0710 (4.2.6) Music Workshop

That Council approve that the Music Workshop be funded by the Healthy Community Project – estimated cost \$2,256.

12 REPORTS OF OFFICERS

12.1 DEPUTY CHIEF EXECUTIVE OFFICER

12.1.1 ANNUAL BUDGET

File: B3-1
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 6 July 2007
 Attachments: Nil

MATTERS FOR CONSIDERATION

For Council to:

1. Determine a date and time for Council to consider the draft budget for 2007/08.
2. Change August ordinary council meeting from 16 August to 30 August 2007.

BACKGROUND

The draft budget has been prepared as required by Council Policy 4.9. Although the draft budget is a work in progress it is at the stage where Council is required to consider amendments and differential rate prior to the budget being adopted.

The following process is required by the Local Government Act 1995:

1. Council approve differential rates for 2007/08.
2. Advertise intention to impose differential rates for 2007/08 for 21 day period.
3. If no submissions received then apply for ministerial approval to impose rates not complying to section 6.33 of the Local Government Act 1995.
4. Adopt the budget by 31 August as required by Local Government Act 1995.

To meet the statutory requirements Council would need to move its ordinary meeting date to 30 August 2007. This would allow for notice for submission on differential rates and confirmation by the Minister of the differential rate. The budget can be adopted on 30 August thereby meeting the statutory requirement.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2—Requires a local government to propose an annual budget by 31 August.

Section 6.35—Provides that the Minister’s approvals must be sought if the rates imposed do not comply with Section 6.35(2)(3)(4) with regard to general minimums and property number ratios.

Section 6.36(1)—Provides that a local government is to give local public notice of its intention to impose differential and minimum rates.

Section 6.36(3)(b)—Submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 4.9 Preparation of Annual Budget

FINANCIAL IMPLICATIONS

The budget outlines planned expenditure and revenue for 2007/08.

Costs associated with advertising changes to Council meeting date.

CONSULTATION

Mandy Wynne - UHY Haines Norton
 CEO - Niel Mitchell
 SOY Members
 Project Officer - Glenn Bone

COMMENT

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

1. Call a Special Meeting of Council on Tuesday 26 July 2007 at 1:00pm to consider the Draft Budget for 2007/08.
2. Change the August Ordinary Council meeting from 16 August to 30 August 2007.

12.2 WORKS FOREMAN

12.2.2 ACTIVITY REPORT FOR JUNE 2007

File: R11
Author: Cliff Hodder, Works Foreman
Interest Declared: No interest to disclose
Date: 5 July 2007
Attachments: Nil

Flood damage repairs as per Main Roads schedule.

12.3 TOWN PLANNING/ENVIRONMENTHEALTH/BUILDING SURVEYOR

12.3.1 DISABILITY ACCESS & INCLUSION PLAN

File: D3
Author: David Williams, Environmental Health Officer
Interest Declared: No interest to disclose
Date: 6 July 2007
Attachments: Draft Disability Access and Inclusion Plan

MATTER FOR CONSIDERATION

Council has an obligation under the Disability Services Act 1993 to prepare a Disability Access & Inclusion Plan. The plan needs to be lodged with the Disability Services Commission by 31st July 2007. Hence a draft Disability Access & Inclusion Plan is attached for Councils consideration

BACKGROUND

There has been a requirement previously under the Disability Services Act for Council to prepare and annually review a Disability Plan.

The Act was amended in December 2004 and now Local Governments are now required to develop and implement Disability Access and Inclusion Plans (DAIP's)

STATUTORY ENVIRONMENT

Disability Services Act 1993
Local Government Act 1995

STRATEGIC IMPLICATIONS

Compliance with Disability Services Act 1993.
Improved access to information and facilities for people with a disability.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minimal other than staff time in preparing the plan. Implementation of some of the strategies may require future budget consideration.

CONSULTATION

Discussions with other Local Authorities indicates that the some of these authorities have already advertised their DAIP's

COMMENT

The requirements of the DAIP's build on the previous Disability Service Plans so that people with disabilities can access services provided by public authorities in a way that facilitates increased independence, opportunities, and inclusion within the community.

The six outcomes of a Disability Access and Inclusion Plan are:

- 1) People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.
- 2) People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority
- 3) People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
- 4) People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
- 5) People with disabilities have the same opportunities as other people make complaints to a public authority.
- 6) People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

A draft plan has been prepared and is presented for Council's consideration. Once the plan is adopted in principle by Council it will need to be made available for public comment before being submitted to the Disability Services Commission.

Once the plan is in place there is a requirement for an annual review and report to the Disability Services Commission. At least once every five years a complete review of the DAIP needs to be undertaken.

There is a further requirement that the implementation of the DAIP is included in Council's Annual Report.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council adopt in principle the attached Disability Access and Inclusion Plan and make it available for public comment prior to submission to the Disability Services Commission.

12.3.2 ACIVITY REPORT JUNE/JULY 2007

File: E9
 Author: Dave Williams EHO
 Interest Declared: No interest to disclose
 Date: 13 August 2007

Date	Activity	Details/Comment
19-June	Environmental Health	Return from study leave. Follow up Zerowaste management plans with DEC. Obtain info re Oxiana expansion for Chief Executive Officer (CEO). Check out collapsed leach drain at race club. Toilet leaking excessively. Assist with information and stat declarations for Lot 179 Henty Street site visit for same.
17-June	Environmental Health	Swimming Pool information forwarded to the Department of Health. Discuss removal of car bodies in the Yalgoo Townsite with Chief Executive Officer. Commence research for Zerowaste Phase 1. Discuss same with the Department of Environment. Download Auditing Continuity/Data Compilation AC/DC for completion. Annual waste audit report reviewed. Contact Sims Metal for update on car body removals. Site visit to landfill. Forwarded completed waste water permit to Oxiana Provide draft Disability and Access Inclusion Plan (DAIP) .
22-June	Environmental Health	Site visits and discussion with CEO for caravan park accommodation upgrade; Superblock use for mining accommodation and effluent disposal, lot 28a and 28b Stanley Street, Evaporation ponds, café and motel units, reduced speed limit on highway, induction of new staff, Local Planning Scheme and information on Mt Gibson appeal. Continue research for information to provide for Zerowaste. Site visit to Yalgoo school to assist with water grant. Report broken toilets at sports complex to Herring plumbing.
03-July	Environmental Health	Complete AC/DC grant and post. Commence Zerowaste Phase 1 of recycle grant. Follow-up complaint of illegal dumping at Oxiana. Agenda and other items completed for DIAP. Further assist school with water grant.
	Building Control	Discuss with CEO and Heritage Commission requirements for café alterations.
06-July	Environmental Health	Commence data entry for Zerowaste. A problem with the software has occurred. The Department of Environment is to investigate the matter.
	Occupational Safety and Health	Complete incident report and discuss same with a staff member who was assaulted. Support from LGIS can be provided if required.
10-July	Environmental Health	Activity report for Council. Follow-up status of Zerowaste software.
	Local Planning	Provide information on land values in Yalgoo townsite.

For Council's Information

12.4 PROJECT OFFICER

12.4.1 EMERGENCY SERVICES LEVY ADMINISTRATION

File: F7
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 21 June 2007
Attachments: FESA Agreement (yellow)

MATTER FOR CONSIDERATION

Council to execute the Emergency Services Levy (ESL) Administration Option B agreement.

BACKGROUND

At the May meeting (Minute OC0512), Council considered and approved a variation to the arrangements for remitting the ESL charges collected by the Shire.

The new arrangement will operate over a 4 year term covering the period 1 July 2007 to 30 June 2011. The Option B arrangement as it is known, will require the Shire to make ESL related payments by the twenty first day of September, December, March and June instead of monthly as has previously been the case.

STATUTORY ENVIRONMENT

Fire and Emergency Services Authority of Western Australia Act 1998 (the FESA Act)
Section 36ZJ–FESA may, with the approval of the Minister, enter into a written agreement with a local government to remit ESL payments.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There will be no effect on the Shire's financial position. It will simply make four payments per year instead of twelve.

CONSULTATION

Nil

COMMENT

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council approve and authorise the Common Seal of the Shire of Yalgoo to be affixed to the following –

Agreement on Option B arrangement for quarterly payments of the Emergency Services Levy (ESL) –
1 July 2007 to 30 June 2011.

12.4.2 POLICY MANUAL – COMMON SEAL AFFIXING

File: P11
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 21 June 2007
Attachments: Nil

MATTER FOR CONSIDERATION

Adoption of a policy to govern the use of the Common Seal of the Shire of Yalgoo.

BACKGROUND

Under the Local Government Act 1960, the authority to execute legal documents by affixing the Common Seal was dealt with in that it allowed for the 'Clerk or other authorised officer,' in addition to the President, to attest to the affixing of the Seal. With the introduction of the Local Government Act 1995, any reference to how the matter is to be dealt with has been deleted. As a result it is now up to individual local governments to determine how best to handle the matter.

A number of local governments deal with the matter under their Standing Orders or by a policy statement.

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council adopted the following policy on 16 December 2004:

Policy 5.7 – Common Seal.

1. *The wording for the authority to affix the common seal be "the common seal of the Shire of Yalgoo was hereunto fixed by authority of the Shire and in the presence of the Shire President and Chief Executive Officer.*
2. *The designated officers to witness the affixing of the common seal be the Shire President and the Chief Executive Officer.*

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

From the foregoing, Council will be aware of the existing Policy 5.7. In my view this policy has some shortcomings, in that it does not really address the circumstances in which the Common Seal can be used, nor is there any requirement for a register.

The suggested alternative policy to replace Policy 5.7 sets out a businesslike approach for the use of the Common Seal and recording of such usage.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Policy 5.7 – Common Seal, be deleted and be replaced with the following:

POLICY 5.7 – COMMON SEAL AFFIXING

INTRODUCTION

Under the Local Government Act 1960, the authority to execute legal documents by affixing the Common Seal was dealt with in that it allowed for the 'Clerk or other authorised officer,' in addition to the President, to attest to the affixing of the Seal. With the introduction of the Local Government Act 1995, any reference to how the matter is to be dealt with has been deleted. As a result it is now up to individual local governments to determine how best to handle the matter.

A number of local governments deal with the matter under their Standing Orders or by a policy statement.

OBJECTIVE

To give authorisation to the President and Chief Executive Officer, to affix the Common Seal of the Shire of Yalgoo to relevant legal documents.

POLICY STATEMENT

- 1. The President and Chief Executive Officer are authorised to sign and affix the Common Seal of the Shire of Yalgoo to all legal documents requiring authorisation.*
- 2. Where the legal document is the initial one it must be approved by Council prior to the signing and affixing of the Common Seal.*
- 3. Where the legal document is merely a renewal or extension of the original document and there is not a significant variation in clauses/conditions in the renewal then the President and Chief Executive Officer are authorised to affix the Common Seal without prior referral to Council.*
- 4. All instances of affixing of the Common Seal shall be recorded in the relevant register.*

12.4.3 POLICY MANUAL – GRATUITOUS PAYMENTS TO EMPLOYEES

File: P11
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 21 June 2007
Attachments: Nil

MATTER FOR CONSIDERATION

Council to consider a policy whereby gratuitous payments can be made to employees.

BACKGROUND

Last month (Minute OC0616), Council considered an item whereby it was proposed former employee Ray Winfield would receive a gratuitous payment in recognition of his services to the Shire and the community.

Council instead came up with an alternative position and requested staff to prepare for consideration a policy on gratuitous payments.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.1—Provides that the general function of the local government is to provide for the good government of persons in its district.

Section 5.50(1)—A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –

- a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- b) the manner of assessment of the additional amount,

and cause local public notice to be given in relation to the policy.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 3.10 – Severance and Redundancy Pay

This is an extensive policy adopted by Council on 12 May 1997 which appears to follow the format distributed at the time by the former Western Australian Municipal Association (now WALGA). In essence this policy details the circumstances upon which the Shire may make payments for severance and redundancy situations, but it does not address the area of gratuitous payments for satisfactory service.

FINANCIAL IMPLICATIONS

By nature, the Shire's small workforce suggests that any gratuitous payments made under the proposed policy would not occur all that often. The suggested scale of service within the draft policy implies that even for the longest serving employee, the cost might only be \$1,000 and this is unlikely to occur every year.

CONSULTATION

Nil

COMMENT

The proposed policy as set out below, is separate to Policy 3.10 and would provide reasonable parameters for the presentation of gifts to departing employees who have provided satisfactory service. As with any policy, this does not preclude Council from making a presentation beyond that set out in the policy, as long as advertising requirements as set out in section 5.50 are complied with.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council adopt the following policy:

DRAFT POLICY 3.16 – GRATUITOUS PAYMENTS TO EMPLOYEES

INTRODUCTION

Policy 3.10 – Severance and Redundancy Pay only goes so far as to set out circumstances whereby payments may be made for severance and redundancy. This additional policy addresses the situation of gratuitous payments to departing employees who have provided satisfactory service.

OBJECTIVE

To show appreciation to valued employees, who are leaving the Shire's employ and to comply with section 5.50 (1) of the Local Government Act 1995.

POLICY STATEMENT

- 1. That for the purpose of section 5.50 (1) of the Act, the following approximate amounts be spent on a presentation gift to employees who retire or resign after a period of satisfactory service –
5 – 10 years \$200 15 – 20 years \$600
10 – 15 years \$400 20 years plus \$1,000*
- 2. The CEO may at his/her discretion make a presentation gift where an employee leaves prior to 5 years service, at a value not exceeding \$25 for each year of service.*
- 3. The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice will be given.*

12.4.4 SYMPOSIUM ON THE FUTURE – WA LOCAL GOVERNMENT IN 2027

File: L11
 Author: Glenn Bone, Project Officer
 Interest Declared: No interest to disclose
 Date: 21 June 2007
 Attachments: Nil

MATTER FOR CONSIDERATION

Council to consider whether it wishes to have representatives attend a Symposium on the Future.

BACKGROUND

Local Government Managers Australia (LGMA) is conducting a Symposium on the Future from 11–13 September 2007 at the Rendezvous Observation City Hotel, Scarborough. LGMA has the strong view that the Western Australian local government sector needs to become serious and proactive about long term planning. It needs to look at what is happening in the world around it and in its own environment.

Topics that will be addressed will include:

- demography (population growth, age structure and regional movement)
- the changing face of transport – Professor Peter Newman
- water and energy issues – Dr Jim Gill
- the future of sport and recreation
- waste management issues – Sue Graham–Taylor
- regional economics – among others Tim Shanahan
- Federal–State–Local Government relations – Professor Greg Craven
- urban planning and housing – Professor Fiona McKenzie
- the possible structure of Western Australian Local Government in 20 years time – expert panel is examining future local government boundaries, results will be presented during the Symposium.

Another significant component of the Symposium is the session on the final day involving the presentation of findings of a panel of experts who have been assigned the task of assessing what local government boundaries may look like in 2027.

Note: A copy of the brochure as been included in each Councillor's agenda envelope.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.1–Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

There is little doubt that looking at issues facing local government in 20 years time will have strong strategic implications.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost to attend:

Registration: \$748 incl GST for members, OR
 \$825 incl GST for non–members.
 Accommodation: \$124 per room per night – room only (Rendezvous)

Meals and travelling will need to be added to the above indicative costs.

CONSULTATION

Nil

COMMENT

Council should consider its thoughts on the topics for discussion in determining their importance and whether representation of member(s) and/or the CEO is warranted. Some may not be seen as particularly relevant to the disposition of the Shire.

However, strategic planning is important and it is suggested Council nominate one elected member and the CEO to attend.

(Note: The Symposium will occur during the Shire's agenda week however with planned effort, this should not cause a problem).

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council nominate one member and the CEO to attend the Symposium on the Future to be held in Scarborough from 11–13 September 2007 and authorise the payment of registration costs, accommodation, meals and travelling expenses.

12.4.5 PUBLIC INTEREST DISCLOSURE ACT 2003

File: P14
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 27 June 2007
Attachments: Public Interest Disclosure Procedures (sand coloured paper)

MATTER FOR CONSIDERATION

For Council to note the internal Public Interest Disclosure Procedures.

BACKGROUND

The Public Interest Disclosure Act 2003 (the Act) aims to facilitate and encourage the disclosure of public interest information and to provide protection for those who make disclosures and for those about whom disclosures are made. In colloquial terms the Act is known as the "Whistleblower" legislation.

The intended outcome is that the Act is a significant step towards reducing and eliminating corrupt conduct and maladministration. It will work most effectively when its principles and intent are fully adopted by all public bodies and officers.

It is also apparent the Shire has been backward in complying with the framework of the Act in nominating a Public Interest Disclosure (PID) officer and preparing the internal Public Interest Disclosure Procedures. A PID officer has been designated (the Deputy CEO) in line with the recommendation of the Office of the Public Sector Standards Commission (OPSSC) that the PID officer ought not to be the principal executive officer (ie, CEO) of the public authority.

The internal Public Interest Disclosure Procedures have now been prepared in line with the template Guidelines provided by the OPSSC.

STATUTORY ENVIRONMENT

Public Interest Disclosure Act 2003

Section 23(1)(e)–Requires the principal executive officer of a public authority to prepare and publish internal procedures relating to the authority's (ie, Shire of Yalgoo) obligation under this Act.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

With staff of the OPSSC

COMMENT

As noted under 'Background,' the format used for the internal procedures is that proposed by the OPSSC.

In a nutshell, the internal procedures are a management obligation of which Council need only to be aware. Consequently, it is not intended that Council adopt the internal procedures; merely just note them.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council note the preparation of the internal Public Interest Disclosure Procedures and the designation of the DCEO, Mr Ron Adams as the Public Interest Disclosure (PID) Officer in accordance with section 23(1)(a) of the Public Interest Disclosure Act 2003.

12.4.6 POLICY MANUAL

File: P11
 Author: Glenn Bone, Project Officer
 Interest Declared: No interest to disclose
 Date: 29 June 2007
 Attachments: Nil

MATTER FOR CONSIDERATION

The adoption of a policy on the principles guiding the objectives and usage of the Policy Manual.

BACKGROUND

Like all local governments, the Shire of Yalgoo has a Policy Manual. This has evolved over the years and at present has about 55 separate policies.

Apart from the broad direction under the Local Government Act 1995 for the Council to determine the local government's policies, there is no further definition on how this might be achieved.

This agenda item introduces a draft policy on principles to be followed with the operation of the Policy Manual, various objectives and the preparation of new policies or amendments to existing policies.

STATUTORY ENVIRONMENT

Local Government Act 1995
 Section 2.7(2)(b)–The council is to determine the local government's policies.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The formulation of ground rules and objectives for the Policy Manual and the making of policies.

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

The draft policy as set out in the Officer Recommendation should provide a clear understanding of all the objectives to be gained from the keeping of a Policy Manual and also, how new or amended policy may be introduced for Council consideration.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council adopt the following policy and insert in the Policy Manual:

Policy 5.8 – Policy Manual

Introduction

A Policy establishes rules by which the business of the local government is conducted. Policy provides for a consistent approach to a given circumstance and is a statement that will be of considerable benefit to guide and assist councillors, staff and the community in understanding the objectives of Council.

Objective

To establish principles in regard to the keeping of a Policy Manual and how it may be reviewed or changed.

Policy Statement

It is the policy of the Council to maintain a manual recording of the various policies of the Council.

Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

- 1. To provide Council with a formal written record of all policy decisions.*
- 2. To provide the staff with precise guidelines in which to act in accordance with Council's wishes.*
- 3. To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council.*
- 4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.*
- 5. To enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.*
- 6. To enable ratepayers to obtain immediate advice on matters of Council Policy.*

The Policy Manual will be maintained in a loose-leaf binder and updated as and when a policy is varied by the Council.

A copy of the Policy Manual, together with details of variations as they occur, shall be distributed to all Councillors and appropriate staff.

Changes to Council Policy shall be made only on:

- a) Notice of motion,*
- b) An agenda item clearly setting out details of the new or amended policy,*
- c) Specific resolution adopting, amending or revoking a particular policy.*

12.4.7 YALGOO CEMETERY

File: C3-1
 Author: Glenn Bone, Project Officer
 Interest Declared: No interest to disclose
 Date: 29 June 2007
 Attachments: Sketch of Cemetery Gate (white paper)

MATTER FOR CONSIDERATION

To implement the completion of the Yalgoo Cemetery entrance, gate and fencing.

BACKGROUND

Works to complete the formal entrance to the Yalgoo Pioneer Cemetery have apparently been stalled for some time.

A Shire order number for the design and entrance construction to the cemetery was issued in February 2005 to Mr Keith O'Connor. At this stage the stonework is unfinished and consequently the iron work for the gate has not been fabricated. A sketch of how the stone fence and gate will appear is attached.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.1—Provides that the general function of the local government is to provide for the good government of persons in its district.

Cemeteries Act 1986

Section 6—Provides that local governments perform the duties of a Cemeteries Board.

Section 24(2)—A Board may set aside areas of a cemetery for and provide crematoria, chapels, parks, gardens, landscaping, buildings and other works for the effective operation of a cemetery.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A quote is currently awaited for perimeter fencing of the cemetery. Indicative prices for outstanding and additional works are as follows:

• Front fence (other than stonework) – sighter wire	\$2,000
• Front fence – rock work completion	\$2,000
• Boundary fence (ringlock)	\$4,000
• Steel archway and gates construction	\$2,000
• Labour	\$2,000
	\$12,400

CONSULTATION

Nil

COMMENT

Provision needs to be in the forthcoming budget to complete fencing of the Yalgoo Cemetery.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council make provision of \$12,400 in the 2007/08 Budget for fencing works at the Yalgoo Pioneer Cemetery.

12.4.8 COMMUNITY PARK

File: P1-1
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 29 June 2007
Attachments: Nil

MATTER FOR CONSIDERATION

Preparation of concept design plans for a Community Park in Gibbons Street, Yalgoo.

BACKGROUND

Ordinarily, this item would have been considered by the Garden Committee however as the Committee only has two members at present, it cannot legally function. The subject is therefore referred to Council for consideration.

Anecdotal evidence from the file reveals the Shire has been seeking to obtain control of lots 176, 178 and 201 Gibbons Street from at least 2002.

This gathered momentum in the latter part of last year when Council resolved in July 2006 to have this unallocated crown land reserved and vested in the Shire for the purpose of a Community Park.

Various administrative procedures have since followed with the latest being advice from State Land Services in February 2007 of a Notice of Intention to Take for Public Work under the Land Administration Act 1997 and Native Title Act 1993, had been issued. Any persons having or claiming to have an interest could lodge an objection up until 13 April 2007. Nothing further has come to hand since then however on 6 June 2007 I sent off a follow-up enquiry as to progress on the matter.

Having noted the foregoing, Council will no doubt be aware the subject of the park design was considered at the last meeting of the Garden committee held on 22 June 2006. In July 2006 Council consequently adopted the Garden Committee's recommendation that the design for the park be advertised in the Yalgoo Bulldust with additional explanatory notes for public comment.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2)–Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1–Provides that the general function of the local government is to provide for the good government of persons in its district.

Land Administration Act 1997

Section 41–Sets out powers to reserve land and in this case, enable the Shire of Yalgoo to be granted a management order under section 46 of the Land Administration Act.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costing of major components of the Park will need to be prepared and included in the Shire's budget.

CONSULTATION

Despite the intent of Council's July 2006 resolution, it seems the proposal has not been advertised in the Yalgoo Bulldust.

COMMENT

Council will no doubt note that the Minutes of the Garden Committee meeting held on 22 June 2006, (Item 10.1.2) refer to a copy of the artist's impression of how the new park might look.

Unfortunately, I have not been able to locate a copy of this sketch and in the absence of same we may need to make a fresh start. In any event the original theme is subject to change because of the decision at the April 2007 Council meeting, (Minute OC0423) to erect a commemorative section of the No.1 Rabbit Proof Fence and an interpretive panel at the proposed Community Park.

A further possible complication to the foregoing is my understanding from Cr Rowe that Cr O'Connor was going to prepare a Landscaping Plan.

We also now have a Town Gardener (Richard Hall) on staff and to this end I have asked him to prepare some concepts on the Community Park for consideration. Because these have been prepared in colour they will be tabled at the meeting.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council approve the basic concepts of the Landscaping Plan for the proposed Community Park on Gibbons Street, Yalgoo

12.4.9 YALGOO 24 HOUR FUEL STATION

File: F6-3
 Author: Glenn Bone, Project Officer
 Interest Declared: No interest to disclose
 Date: 29 June 2007
 Attachments: First Schedule (lilac)
 Second Schedule (lilac)

MATTERS FOR CONSIDERATION

1. Council to note the exercise of the option to renew the lease for the Yalgoo 24 Hour Fuel Station.
2. Council to approve the addition of various matters omitted from the original lease documentation for the Yalgoo 24 Hour Fuel Station.

BACKGROUND

At the June meeting, Council was advised that Corvino Pty Ltd (the lessee of the Yalgoo 24 Hour Fuel Station) had given notice of intention to terminate the lease in accordance with clause 4(i) of the lease agreement. Pingar Project Management Group is a body that is prepared to take over the lease on assignment, however Council at Minute OC0619 resolved to seek interest from any other persons who are prepared to take over the lease before making a decision on a potential assignment.

There has now been a further development in that on 27 June 2007, Corvino Pty Ltd withdrew their notice of termination. The Company also went on to advise it wished to exercise the right of extension of 12 months as provided in item 6 of the First Schedule to the lease agreement. The advice of exercise of extension was received within the time specified in the lease.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.58–Sets out in detail the requirements for the disposing of property

Lease Agreement

Clause 5–The Lessee shall have the right to extend the term of the Lease for a further term stipulated in item 6 of the Schedule if –

- a) *It gives the Lessor written notice of exercise of this right of extension not later than one month before the end of the initial term; and*
- b) *At the expiration of the initial term there is no outstanding or continuing default by the Lessee of any of the covenants or other terms of this Lease on its part to be observed and performed of which the Lessor has given written notice to the Lessee at least fourteen (14) days before the expiration of the initial term (subject always to Sections 83A to 83E of the Property Law Act 1969, as amended). The rent for the further term shall be determined as provided in Item 4 and 5 of the Schedule on the basis that the first day of the further term shall be a rent review date for the purposes of that Clause. The rent for the further term shall not in any event be less than the rent payable immediately prior to the rent review date.*

In all other aspects, except the right of extension the terms and conditions of this Lease shall continue to apply throughout the further term.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The only tangible financial implication relates to the rent provided by item 5 of the First Schedule. This will essentially be a CPI increase.

CONSULTATION

As per Council instruction via the local public advertising regarding the potential lease assignment. Applications from other parties for the lease assignment closed at 4pm on 9 July 2007 however none were received. This may have been in part due to a general awareness after 27 June that Corvino Pty Ltd had changed tracks.

COMMENT

While the foregoing is perhaps a little unusual, there are no legal impediments to what has transpired.

Also mentioned last month is the Licence agreement between the Shire and Corvino Pty Ltd which is supplemental to the Lease. The purport of the Licence is to provide the NON EXCLUSIVE use of the area known as the Old Yalgoo Railway Station, Ablution Block and all vehicle and pedestrian accessways thereto. The Licence operates over the same period as the aforementioned lease.

There are also several other matters regarding omissions to the lease agreement which require attention. These are:

The First Schedule

This contains particular details relating to the lease such as the term, rent, rent review etc, and is reproduced in the attachment. Two items (7 & 10) appear to have omissions.

Item 7 – Although noted on the plan attached to the lease, there is no mention in the listed permitted usages of the Post Office in the text of the lease. This has been a use since the inception of the lease.

Item 10 – The listed plant and equipment should include the six (6) airconditioners that are fitted to the building. These should be added as item (x) and the reference to “various kitchen utensils as set out in Schedule 2 hereof,” should now be designated as item (xi).

The Second Schedule

Whilst mentioned above, the Second Schedule was not included in the original lease documentation! A list of equipment has now been prepared and is included for approval and attachment to the lease.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

1. Note that Corvino Pty Ltd has exercised its right pursuant to clause 5 of the Yalgoo 24 Hour Fuel Station lease agreement to extend the term of the lease by one year (from 29 July 2007) in respect to the following documents:
 - Yalgoo 24 Hour Fuel Station.
 - Ablution Licence.
2. Approve the addition of the following matters omitted from the original lease documentation –

The First Schedule

P.14 item 7 – delete “24 Hour Fuel Station and Café/restaurant and bakery” and insert “24 Hour Fuel Station, Post Office/tourist bureau, Café/restaurant and bakery.”

P.14 item 10 (ix) delete “and”
 item 10 (x) insert “six air conditioners”; and
 item 10 (xi) re-number previous item 10 (x) to item 10 (xi)

The Second Schedule (as attached)

12.4.10 FINANCE COMMITTEE MINUTES

File: F8
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 4 July 2007
Attachments: Minutes of Finance Committee – 15 June 2006 (lime green)

MATTERS FOR CONSIDERATION

Disbanding of the Finance Committee and confirmation of the Finance Committee Minutes of 15 June 2006

BACKGROUND

During research into Council minutes recently, it was noticed the Finance Committee minutes of 15 June 2006 had not been signed. The reason for this is at the Council meeting held the same day, Council resolved that the Finance Committee activities be incorporated into the ordinary Council meeting.

Whilst Council did not technically disband the Finance Committee, the Committee has not met again and consequently the minutes of its 15 June 2006 meeting have not been confirmed.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 5.11(1)(d)–Enables a committee to be disbanded.

Section 5.22(2)–The minutes of a meeting of a council or committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

An effective tidy-up of the processes can now be implemented by doing the following:

- Disband the Finance Committee
- Council confirming the Minutes of the Finance Committee meeting held on 15 June 2006 (as attached).

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

1. Disband the Finance Committee; and
2. Confirm the Minutes of the Finance Committee meeting held on 15 June 2006 as a true and correct record of proceedings.

12.4.11 STANDING ORDERS POLICY

File: L12-7
Author: Glenn Bone, Project Officer
Interest Declared: No interest to disclose
Date: 4 July 2007
Attachments: Current Policy – Standing Orders (blue)
Proposed Policy – Standing Orders (gold)

MATTER FOR CONSIDERATION

A revision of the Standing Orders Policy

BACKGROUND

In February 1998 Council replaced its previous Standing Orders (then a local law) with Standing Orders in policy format. These are currently recorded in the Policy Manual as Policy 1.5 – Standing Orders.

Councillors will also no doubt recall that in April and May 2006 a review of policies was undertaken. At the time a number of policies were noted down for further attention or “revisiting.” Council minutes recorded notes of various intentions or possible changes to policies however the task was never completed and consequently no formal resolution(s) were ever recorded.

Some changes were mooted for Policy 1.5, however as per the above, these were not instigated. In any event this does not really matter now as it is Council’s intent to have a thorough revision of Policy 1.5.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2)–Provides that part of the role of the council is to determine the local government’s policies.

Section 3.1–Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 1.5 – Standing Orders. This was adopted on 18 February 1998.

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

The CEO and I have both analysed the content of existing Policy 1.5 and made numerous observations as to desirable amendments. Many of these are more cosmetic in nature however the best way to handle the many changes is to delete the old policy and replace it with a new version rather than preparing an extensive list of amendments.

In line with Council’s brief for a simple and straightforward Standing Orders policy, the old policy basically fulfils this need. Previous clauses 6, 9, 13 (5th, 7th and 8th paras), 14 (6th para) and 19 have been deleted. Corrections for typing mistakes and other clarifications have also been made and the document renumbered.

The revised document is attached for Council consideration.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

3. Delete previous Policy 1.5 – Standing Orders (adopted 18/2/1998).
4. Adopt new Policy 1.5 – Standing Orders (as attached).

12.5 DEPUTY CHIEF EXECUTIVE OFFICER

12.5.1 ACCOUNTS PAID DURING THE MONTH OF JUNE 2007

File: F8
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 2 July 2007
Attachments: EFT & Cheque Detail for June 2007

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of June 2007.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account.

CONSULTATION

Nil

COMMENT

Payments made during the month of June as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That:

1. The Cheque Detail of payments covering vouchers EFT 1 to EFT 29 totalling \$36745.31 paid during the month of June 2007, be received;
2. Cheque payments covering cheque numbers 10521 to 10532 totalling \$6638.16 paid during the month of June 2007, be received; and
3. Salaries and Wages totalling \$64334.47 paid during the month of June 2007, be received.

12.5.2 FINANCIAL ACTIVITY STATEMENTS – JUNE 2007

File: F8
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 2 July 2007
Attachments: Financial Activity Statements for June 2007

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for June 2007.

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 31 March 2005 and became effective from 1 July 2005 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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 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);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 4.9—Provides that as a base standard for preparation of monthly statements, staff are to prepare a Profit & Loss Vs Actual Report and make comment of items of a 10% variance or \$5,000 from the previous month.

FINANCIAL IMPLICATIONS

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

CONSULTATION

Nil

COMMENT

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council adopt the financial statements for the period ending 30 June 2007, as attached.

12.5.3 POLICY ON COLLECTION OF OUTSTANDING RATES

File: P11
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 6 July 2007
Attachments: Nil

MATTER FOR CONSIDERATION

To establish a collection procedure that administration can use to collect outstanding rates and charges.

BACKGROUND

Council Policy 4.1 Outstanding Rates was last reviewed in October 1997.

The proposed Draft Policy is to clearly set out for administration staff to follow a structured process in collection of rates.

WALGA recently reviewed collection agencies and established a preferred supplier arrangement with several companies. We currently are using AUSTAL Mercantile as our debt collector, which is on the list of preferred suppliers.

This arrangement allows staff to log on through the internet and load items requiring collection. The debt collector will make contact via telephone and/or a letter to the client.

If the client pays the outstanding monies owed to the Shire no account is rendered to the Shire.

If the telephone and/or letter contact is unsuccessful, the debt collector will ask for further instruction from the Shire.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.38—Provides that Service Charges may be imposed by a local government on land within the district for a financial year to meet the cost of providing a prescribed service.

Section 6.41—Provides that a local government is required to give owners of land a rate notice stating the date the rate notice was issued and incorporating or accompanied by the details and particulars prescribed.

Section 6.43—Provides for rates and service charges imposed together with the costs of proceedings, if any, for the recovery of rates or service charges, are a charge on the land rated or in relation to which the service charge is imposed.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

If adopted this Policy would substitute for the current policy.

FINANCIAL IMPLICATIONS

The early recovery of money would assist Council's cash flow position.

CONSULTATION

Nil

COMMENT

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That council adopt the following policy:

Policy 4.1 Outstanding Rates

Introduction

The Local Government Act 1995 provides for a local government to impose rates and charges on land in its district.

Objective

To establish a formal standard for the recovery of outstanding rates and charges levied under the Local Government Act 1995.

Policy Statement

The following process is to be followed for the recovery of outstanding rates and service charges. Legal proceedings will continue until payment of the rates and service charges are made in full:

1. Issue Final Notices

A Final Notice is to be issued 14 days after the due date, to those persons who have made either no payment, or insufficient payment to cover the first instalment. The Final Notice is to specify that the ratepayer/s have seven (7) days to pay in full or to enter into a special repayment arrangement.

Final Notices are not to be issued to eligible persons registered to receive the pensioner rebate under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.

2. Debt Collections

After (7) days has expired and no action has been recovered all rates and charges are to be sent to Council's debt collector.

The debt collector will follow a process to collect outstanding monies.

The debt collector, if unable to collect outstanding rates and charges will advise the rates officer.

The rates officer will present this to the Deputy Chief Executive Officer who, in liaison with the Chief Executive Officer, will issue the debt collector an instruction to proceed with legal action.

Should the debt collector not be able to collect the rates and charges then:

Local Government Act 1995

Section 6.64 – Sale of Land

If any rates and charges which are due to Council in respect of any rateable land have been unpaid for at least 3 years, Council may take possession of the land under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is to be obtained before this course of action is undertaken.

12.5.4 RESERVE FUND TRANSFERS

File: F8
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to declare
Date: 4 July 2007
Attachments: Nil

MATTER FOR CONSIDERATION

Council to approve transfer of funds from Plant Reserve Account to the Municipal Account.

BACKGROUND

Two motor vehicles were purchased during June 2007. These were paid for from the municipal account. A transfer from Plant Reserve to the Municipal Account needs to take place prior to 30 June 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.11—Provides that where a local government wishes to set aside money for purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In line with the adopted budget for 2006/07 transfer from Plant Reserve to Municipal Account an amount of \$28,248

COMMENT

Nil

OFFICER RECOMMENDATION

That Council:

Approve the transfer of \$28,248 from Plant Reserve to the Municipal Account.

12.5.5 HERITAGE SURVEY FOR YALGOO TOWNSITE

File: H3
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 5 July 2007
Attachments: Nil

MATTER FOR CONSIDERATION

For Council to consider having the Yalgoo townsite's Unallocated Crown Land (UCL) cleared as required with new heritage laws.

BACKGROUND

All unallocated crown land is required to have a heritage survey conducted before it can be released to become freehold land.

The Yalgoo townsite has 40 vacant blocks that have a current status of UCL.

This issue has been discussed at Council several times during 2006/07.

Ferrowest has an anthropologist and a team of aboriginals who will be doing some work on Ferrowest tenements during July 2008. Council could take this opportunity to have the townsite land cleared for any future development.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2(1)–During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

STRATEGIC IMPLICATIONS

Promote the development of the local and regional economies.

1. Capture local benefit from existing economic activity.
2. Ensure the provision of adequate housing.

POLICY IMPLICATIONS

Policy 4.9 Annual Budget – Preparation of annual budget.

FINANCIAL IMPLICATIONS

The cost to have a heritage survey of all vacant UCL is \$4,450 and will be included in 2007/08 budget.

CONSULTATION

- Wayne Glendinning – Western Heritage Research.
- Graeme Johnson – Ferrowest.

COMMENT

The opportunity to clear the UCL will significantly assist any development proposed or should Council wish to purchase any further residential land.

There would be savings on travel charges as the Shire would be utilising the people already in the area for the Ferrowest survey

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

Allocate an amount of up to \$6,000 for heritage surveys to be completed on all UCL in the Yalgoo townsite.

12.6 CHIEF EXECUTIVE OFFICER

12.6.1 LOCAL GOVERNMENT ELECTIONS

File: E3-4
 Author: Niel Mitchell, CEO
 Interest Declared: Returning Officer under the Act unless other appointment made
 Date: 8 July 2007
 Attachments: DLGRD – Elections timetable (white)

MATTER FOR CONSIDERATION

Determination of various matters relating to the Local Government elections to be held on Saturday 20 October 2007.

BACKGROUND

Changes to the Local Government Act have resulted in the change of election date to the third Saturday of October.

The Act requires various decision to be made, and sets deadlines for these matters to be decided. Decisions required prior to August Council Meeting are –

- s.4.20 (1) – CEO to be Returning Officer unless other decision made
- s.4.20 (2) – with approval of Electoral Commissioner may appoint a person other than CEO
- s.4.20 (3) – may appoint Electoral Commissioner (ie: postal election)
- s.4.39 – notice of entitlement to vote
- s.4.47 – advertising of vacancies for nomination

WALGA have advised that the Electoral Commissioner will arrange electoral advertising for elections conducted by the Commissions.

WALGA is once again coordinating a joint advertising campaign for Councils conducting their own elections.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.4.20 (1) – CEO to be Returning Officer unless other decision made
- s.4.20 (2)– with approval of Electoral Commissioner may appoint a person other than CEO
- s.4.20 (3) – may appoint Electoral Commissioner (i.e.: postal election)
- s.4.23 – Returning Officer to appoint places for voting, other electoral officers etc.
- s.4.39 – notice of entitlement to vote
- s.4.47 – advertising of vacancies for nomination

STRATEGIC IMPLICATIONS

Preparation for and conduct of elections in accordance with the Local Government Act and Regulations.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Council may choose to appoint the Electoral Commissioner to conduct a postal election. A formal costing has been requested from the Commissioner to conduct the election, but first indications are in the order of \$6,500 to \$7,000, for the whole process, including the ballot and advertising. If a ballot is not required, costs are reduced substantially to around \$3,500 to \$4,000. It is emphasised that these figures are indicative only, and may vary once the formal quote is received.

Should Council choose to conduct an in person election, the estimated cost should not exceed \$2,500 being–

- advertising \$1,034 through WALGA – preliminary and results

estimated additional costs if proceeding to ballot –

- electoral officers \$700-\$1,100 as per Local Government Officers Award
- travelling costs \$60-\$80 remote early voting booth at Paynes Find
- postal voting minor mailing of information, voting papers on request

CONSULTATION

WA Electoral Commission – formal offer to conduct elections expected prior to Council meeting

COMMENT

While the Act does permit Council to appoint the Electoral Commissioner to conduct a postal election, a postal election cannot be conducted by the Shire. A postal election through the WAEC does have a benefit in that electors do not need to present themselves at a polling place, nor make special request for postal voting, as all are contacted automatically. The impact and inconvenience to electors is minimized.

Should an in-person election be favoured, it is suggested that –

- arrangements be made for a remote early voting booth in Paynes Find on Friday 19 October 2007 from 12.00 pm to 2.00 pm, so as to relieve the necessity of staffing a polling place from 8.00 am to 6.00 pm on election day,
- Council nominate a single polling place for Saturday 20 October, being the Shire Offices (principal polling place)

A factor to bear in mind is the change of system of counting votes to the proportional preferential system, from first past the post of the past decade or so. While this change would have a significant impact in large Councils, its effects are likely to be minor for Yalgoo.

VOTING REQUIREMENTS

Absolute Majority – if Council wishes to appoint a person other than CEO as Returning Officer

Simple Majority – participation in WALGA joint advertising, endorsement of polling places

OFFICER RECOMMENDATIONS

That Council conduct the 2007 elections as an in-person election.

That the Shire of Yalgoo participate in the WALGA Joint Election Advertising campaign for an estimated cost of \$1,034.00 plus GST.

That Council endorse –

- the principal polling place be the Administration Centre, Shire of Yalgoo
- early voting being conducted at Paynes Find from 12.00 pm to 2.00 pm on Friday 19 October 2007.

12.6.2 DEPUTY CEO – SALARY REVIEW

File: S7–20
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 10 July 2007
 Attachments: None

MATTER FOR CONSIDERATION

To consider the salary review of the Deputy CEO.

BACKGROUND

As required, a review of the Deputy CEO's position was recently carried out by Mr Glenn Bone, previously Acting CEO.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.37 – designated senior employee
- s.5.38 – annual review required
- s.5.39 (3)(4) – contract to contain selection criteria, and may be varied

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Increase in salary and associated costs

CONSULTATION

Mr Glenn Bone, previous Acting CEO

COMMENT

Mr Bone was requested to conduct the review, having been Acting CEO for the previous 4 months. Following the review, Mr Bone discussed his conclusions with me at length. In conducting the review Mr Bone noted that –

- the position description – needs thorough review as the duties and functions specified have changed significantly
- the performance agreement and criteria – need to be reflective of the position description and actual duties undertaken
- Employment Contract – Mr Adams commenced as Deputy CEO with the Shire of Yalgoo on 10 July 2006, not on 10 October 2006, which is the date of review following the probationary period

This Agenda item deals only with the salary review, and not the corrections or variations identified as being necessary.

The position was advertised with a cash salary in the \$55,000 to \$65,000 range, and Mr Adams was appointed with a commencing salary of \$57,000. Following review in October 2006, his salary was increased to \$60,000.

In reviewing his salary, the contract stipulates –

- matters which shall be considered –
 - o accomplishment of objectives and satisfactory service
 - o how the position has changed
 - o CPI movements
- matters which may be considered –
 - o capacity of the local government
 - o economic conditions generally in the economy
 - o the labour market and comparisons with other local governments

In his concluding comments, Mr Bone noted –

My overall comment and observation is that for a person who prior to entering service with the Shire of Yalgoo, had no local government experience, Ron has done extremely well and displays a mastery and competency of impressive standards. Now that he has completed a 12 month cycle of local government work, the Shire will benefit even more

Although I have had only a very limited time with the Shire, I agree with Mr Bone's assessment and conclusion.

In considering an appropriate salary base for the ensuing year from the correct anniversary date of 10 July 2007 –

- CPI – figures for the 12 months ending 30 June 2007 are not yet available, however, for the 12 months ending 31 March the Perth CPI was 2.1%. It is assumed that CPI for the 12 months to 30 June 2007 is unlikely to be less than this amount
- capacity of the Local Government – the Shire is in a strong and sound financial position
- economic conditions – forecasts continue to be for strong growth in the State
- other local governments – the range as advertised was appropriate for a commencing salary for most country local governments, but probably does not adequately reflect a person's experience, or Yalgoo's remoteness, amenities of the area etc. It should be noted that many local governments are offering additional benefits such as commuting and/or limited private use of a Shire vehicle, although Yalgoo's housing subsidies would be more extensive than most in the agricultural area

It is suggested that –

Current base salary	60,000	
Add 2.5% as CPI increase	<u>1,500</u>	based on CPI of 2.1% 12 months to 31 March 2007
	61,500	
Add 10%	<u>6,150</u>	in recognition of experience and productivity
New base salary	67,650	to apply from 10 July 2007

Other conditions and benefits to remain as negotiated.

As a senior officer, his contract has been signed by the President. An amended employment contract, position description and performance criteria will be prepared for Council's consideration at the August 2007 meeting.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council –

- approve an amended base salary for Mr Ron Adams of \$67,650 to apply from 10 July 2007, with all other components of the salary package as previously negotiated –

Cash Salary	\$67,650
Superannuation (9% SG plus 5% contributory)	9,471
Rent Free Housing	6,240
Water	600
Electricity	1,590
Telephone – rent and business calls	550
Clothing Allowance – 50% to maximum of	250
Professional Subscription (LGMA)	360
Contribution to Tertiary Fees (if utilised)	<u>.....1,200</u>
Total Salary Package	\$88,271
- note that a correction to the Contract of Employment is required, to reflect the actual commencement date with the Shire of 10 July 2006, and
- note that the Position Description and Performance Criteria are to be varied in recognition of the changes in the duties of the position, and presented to Council for approval.

12.6.3 DISPOSAL OF PROPERTY – FERROWEST

File: M5-7
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 10 July 2007
 Attachments: Draft Option Agreement & Memorandum of Understanding prepared by Ferrowest advised on 26 April 2007
 Shire letter to Ferrowest advising disposition values 15 June 2007
 Ferrowest response of 18 June 2007
 Shire Letter of 20 June 2007 to Landgate
 Landgate email of 4 July 2007 re Ferrowest response (all attachments sand colour)

MATTER FOR CONSIDERATION

To consider sale of a “super-block” Lot 185 Stanley Street, commercial Lot 73 Gibbons Street and residential Lot 74 Weekes Street to Ferrowest, and determine sale prices.

BACKGROUND

Ferrowest plan to develop a minesite some 14 km east of the town and are intending for the mine to be operational in 2011. They are keen to establish an accommodation village in Yalgoo for their staff, and have indicated that this may be in the order of 200+ people. They intend to place a camp at the minesite while mine construction is being undertaken, but once operational, mine workers would be accommodated in town. The indication is that from 2008 onwards, there will be progressively more people based either in Yalgoo or at the minesite, subject to contracts for the merchant pig iron.

Ferrowest have indicated a wish to purchase a “superblock” and several smaller residential blocks from Council. A valuation of all three lots was sought from Landgate.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.58 (3) – a local government may dispose of property (other than by public auction or by tender) if, before agreeing to dispose of the property, it gives local public notice for at least 14 days inviting submission for the proposal. The notice is to include –
 - o the names of all the other parties concerned
 - o the consideration to be received
 - o the market value of the disposition

Any submissions made within the 14 days period are to be considered by Council, and the decision made and reasons for it are to be recorded in the minutes of the meeting at which the decision was made.

STRATEGIC IMPLICATIONS

Development of a new residential area of Yalgoo, and potential for community investment by Ferrowest.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Landgate have supplied the following valuations –

- Lot 185 Shamrock St \$175,000 including GST
- Lot 73 Gibbons St \$2,000 including GST
- Lot 74 Weekes St \$500 including GST

CONSULTATION

Glenn Bone, previous Acting CEO/Project Officer

Ron Adams, Deputy CEO

Dave Williams, EHO

Brett Manning, Managing Director, Ferrowest and other Ferrowest staff

COMMENT

Council will be aware that this matter has been raised previously in February 2007 and June 2007.

At the February 2007 Meeting, Council resolved to enter an agreement with Ferrowest for the sale of Lot 185 Shamrock St, through an Option Agreement and Memorandum of Understanding.

Landgate were then requested to provide valuations, which were received on 22 May 2007 and advised to Council in June 2007. Council then resolved disposition values which were 10% higher than the values provided by Landgate –

<u>Excluding GST –</u>	Landgate	Shire disposition value as resolved
- Lot 185 Shamrock St	\$159,090	\$175,000
- Lot 73 Gibbons St	\$1,708	\$2,000
- Lot 74 Weekes St	\$454	\$500

These values were then advised to Ferrowest on 15 June 2007. A response was received from Ferrowest dated 18 June 2007, and is attached for Council's information. Ferrowest's response was also advised to Landgate, who were requested to comment and to justify their valuation. Landgate reiterated that they consider their valuation is accurate.

The valuation of Landgate in relation to Lot 185 Shamrock Street appears to be far above its real market value. This view is based on –

- Landgate's valuation of Lot 73 of \$1,708 excluding GST. The area of this lot is 1,012 m². Lot 185 is 2.1185 ha or roughly 21 times the area. The valuation of Lot 185 is 93 times that of Lot 73.
 - o Please noted that lot 73 is zoned and valued as commercial, whereas lot 185 is zoned Rural/Mining. The intended purpose of both is residential.
- Shire of Morawa recently purchased a 2.49 ha lot valued at \$114,00 by Landgate, currently zoned as Public Purposes, with the long term potential for residential development.
- development costs such as construction of roads and street lighting should be at the developer's (Ferrowest) cost.

It is important to note that while the situations are not directly comparable, inferences can still be drawn.

There would be many ancillary benefits to the town through establishment of the residential precinct for Ferrowest within the town, and the development of a strong partnership with them needs to be a priority.

Ferrowest has offered to enter into a Memorandum of Understanding for the sale of Lot 185 for \$80,000 through an option to purchase, with an annual option fee of 7.5% (\$6,000), bringing the effective purchase price of the Lot to \$110,000 over 5 years. Rates may not be able to be levied, as the property is only under a contract of sale and remains in the Shire's name until such time as the option is exercised.

It is considered that an MOU does not offer sufficient enforceability, and it is suggested that a formal contract for the sale should be entered into.

Council is not obligated to accept either Landgate's valuation or the offer from Ferrowest, but may opt to sell the three lots by public tender. This would allow other potential buyers to participate, which may not be to Ferrowest's advantage, but would also provide very clear public accountability and transparency as to the real value of the lots in the marketplace.

I have been made aware that there could be some interest in the Lot 73 Gibbons Street, and offering this lot and perhaps Lot 74 Weekes Street by public tender, should be seriously considered. If Council's decision is to put these two lots to tender, conditions to apply could include –

- title in the land will not be transferred until satisfactory proof of development is produced (eg building contract, lodgement of building application etc)
- development of the lot must commence within two years, or other such timeframe as stipulated in the tender and agreed by Council at the time of acceptance of the tender,
- non-refundable deposit of 10% of accepted tender price, or other arrangement as stipulated in the tender and agreed by Council at time of acceptance of the tender.

Tendered values may be less than those of Landgate, and even less than those offered by Ferrowest at this time. However, Council is not obligated to accept any tender for the purchase of the land.

As far as time constraints are concerned, the processes for either tender or disposition of property under section 3.58 of the LG Act are the same.

Options for Council appear to be –

- i. to remain with the disposition values previously resolved, based on the valuations provided by Landgate, in which case Ferrowest have indicated that they would likely proceed with development of accommodation on the minesite
- ii. to resolve to sell the lots to Ferrowest by private treaty, advertising all necessary details, including the valuation made by Landgate, as per the LG Act s.3.58 (3)
- iii. to sell the lots by public tender, as per the LG Act s.3.58 (2), opening the process to competition, where Ferrowest may not be the successful tenderer

I did meet with representatives of Ferrowest on Friday 6 July in Perth, to discuss various aspects of their proposed mine and the sale of the land, and advised that the matter would be put before Council at the July 2007 Meeting.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATIONS

(1) That Council accept the offer from Ferrowest of \$80,000 for Lot 185 Shamrock Street, Yalgoo, subject to –

- local public notice of the disposition of Lot 185 Shamrock Street being given, and submissions invited, in accordance with the Local Government Act 1995 section 3.58 (3),
- consideration by Council of any submissions received, as required by the Local Government Act,
- preparation and approval by Council of an enforceable contract of sale for Lot 185,
- title in the land not to be transferred until such time as development is to proceed,
- payment of a non-refundable annual option fee of 7.5% of the agreed sale price of \$80,000
- the option to complete the purchase may be exercised at any time within 5 years from signing of the contract for sale,
- all other matters generally according to the Draft Option Agreement & Memorandum of Understanding prepared by Ferrowest,
- all legal costs be met by Ferrowest.

(2) That Lot 73 Gibbons St and Lot 74 Weekes Street, Yalgoo be offered for sale by public tender, with the following conditions –

- title in the land will not be transferred until satisfactory proof of development is produced (eg building contract, lodgement of building application etc),
- development of the lot must commence within two years, or other such timeframe as agreed by Council following presentation of a development plan,
- on acceptance of a tender, payment of a non-refundable deposit of 10% of accepted tender price, or other arrangement as agreed by Council.

12.6.4 Mt GIBSON MINE – EXTENSION

File: M5-5
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 July 2007
 Attachments: Extract – EPA Report: Mt Gibson Iron Ore Mine and Infrastructure Project (yellow)
 Shire of Perenjori letter to Office of Appeals Convenor (yellow)

MATTER FOR CONSIDERATION

Possible appeal to Dept of Environment and Conservation regarding the environmental conditions imposed on the mine's extension

BACKGROUND

Mt Gibson wish to extend their mining activities, and part of the approval process involves clearance from Department of Environment and Conservation.

The Environmental Protection Authority did make a Report in November 2006, a copy of which has been received by the Shire. The DEC draft conditions reflect the recommendations of the report, and specify in detail the actions to be taken by Mt Gibson.

DEC originally wrote to the Shire in December 2006, seeking comment on the draft environmental conditions proposed, and recently made contact to ascertain of Council wished to make an appeal. I have been unable to locate any response by the Shire.

STATUTORY ENVIRONMENT

Environmental Protection Act s.45

STRATEGIC IMPLICATIONS

Development of Mt Gibson Mine and potential precedent for future mining development.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Appeal fee of \$10.00

Mine expansion should result in increased rates, and increased heavy transport between the mine and the border with the Shire of Perenjori.

CONSULTATION

Stan Scott, CEO, Shire of Perenjori

Dave Williams, EHO

COMMENT

In order to gain some background to the proposal and its impacts on the Shire and the wider region, I contacted Stan Scott at the Shire of Perenjori. Particular points he noted in relation to the Report and the draft Environmental Conditions were –

- EPA recommendation that remaining ridges be classified as "A" Class reserves – this would have the practical effect of excluding mining from these areas. In theory, once an "A" Class Reserve status is given, it would still possible to gain permission to mine, however, it would require the approval of both houses of Parliament.
- this may then limit future life of the mine, resulting in reduced benefits for the region, less community benefit, and possibly less development in the area as mine development would be likely to prefer less stringent conditions and look elsewhere.
- the effect could be for mining companies to look to short term, rather than develop longer term relationships with communities and local government
- precedent for other mining developments and expansion

Other points to note are those raised in the Shire of Perenjori's letter to the Appeals Convenor.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council writes to the Appeals Convenor regarding the draft Environmental Conditions to be applied to the Mt Gibson Iron Ore Mine and Infrastructure Project, in support of the Shire of Perenjori submission of 29 November 2006, noting in particular the Shire's objections to –

- closing of areas to mining development in practical terms, through restriction to "A" Class Reserve
- potential to discourage future development in the region if restriction to "A" Class Reserve becomes a standard condition
- consequent effects of reduced project lifetimes on the communities, and regional economy

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. URGENT BUSINESS

15. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

16. MEETING CLOSURE