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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,  
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Thursday, 30 August 2007, commencing at 11.00 am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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**4. PUBLIC QUESTION TIME**

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**5. APPLICATIONS FOR LEAVE OF ABSENCE**

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**6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

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- a) Lease of Railway Station

## **7. CONFIRMATION OF MINUTES**

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### **BACKGROUND**

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

### **OFFICER RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 19 July 2007, be confirmed as a true and correct record of proceedings.

## **8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

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## **9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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## **10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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### **10.1 PRESIDENT**

### **10.2 MURCHISON REGIONAL VERMIN COUNCIL**

## **11. DISCLOSURE OF INTERESTS**

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## **12. REPORTS OF COMMITTEES**

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### **12.1 HEALTHY COMMUNITY PROJECT REFERENCE GROUP**

#### **BACKGROUND**

Minutes of the Healthy Community Project Reference Group have previously been circulated to all Councillors.

#### **OFFICER RECOMMENDATION**

That the Minutes of the HCPRG meeting held on 13 August 2007 be received by Council.

#### **OFFICER RECOMMENDATION**

That the following HCP Reference Group recommendations be endorsed and implemented:

H07-0803 HCPRC Meetings

That the HCPRC recommend to Council that the HCPRC now meet bi-monthly.

H07-0804 Photography Workshops and Scrapbook

That the HCPRC recommend to Council that the Photography Workshop and Scrapbook project be approved at an initial estimated cost of \$850.

H07-0805 Visiting Volunteers

That the HCPRC recommend to Council that a amount of \$105 be approved to assist in subsidising the accommodation costs of the Visiting Volunteer Mary Yates.

#### **OFFICER RECOMMENDATION**

That the HCP Reference Group meetings for the remainder of 2007 be held on 15 October and 3 December 2007, commencing at 3.00 pm.

## **12.2 AUDIT COMMITTEE**

### **BACKGROUND**

Minutes of the Audit Committee Meeting have previously been circulated to all Councillors.

### **STATUTORY REQUIREMENTS**

Local Government Act –

- s.7.12A (4) – copy of the report in respect to an audit is to be forwarded to the Minister

### **COMMENT**

As the Auditor's report was received in April 2007, the report to the Minister is required by the end of September 2007.

### **OFFICER RECOMMENDATION**

That the Minutes of the Audit Committee Meeting held on 19 April 2007 be received by Council.

### **OFFICER RECOMMENDATION**

That the following Audit Committee decisions be endorsed and implemented:

#### **AC0402 Auditor's Report**

That the Audit Committee recommend to Council that it receive and authorise the report of the Acting Chief Executive Officer (contained in the foregoing "comment" section) that is to be sent to the Minister for Local Government and Regional Development.

### 13. REPORTS OF OFFICERS

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#### 13.1 WORKS FOREMAN

##### 13.1.1 WORKS – ACTIVITY REPORT FOR JULY 2007

File: R11  
 Author: Cliff Hodder, Works Foreman  
 Interest Declared: No interest to disclose  
 Date: 22 August 2007  
 Attachments: Iveco Truck Report [sea green colour]

MATTER FOR CONSIDERATION  
 July 2007 Works Report

BACKGROUND  
 The month of July included:

	<b>Maintenance Grading</b>	
20/07/2007	ROADS: PF Sandstone	545.45
30/07/2007	ROADS: Barnong - Wurarga Rd	4952.98
30/07/2007	ROADS: Morawa - Yalgoo Rd	2716.31
30/07/2007	ROADS: Gabyon - Tardie Rd	7984
	<b>Flood Damage Repairs</b>	
02/07/2007	ROADS: Tardie Rd	9858.77
30/07/2007	ROADS: Gabyon - Tardie Rd	7984.83
02/07/2007	ROADS: Gabyon - Pindathuna Rd	9428.08
16/07/2007	ROADS: Yalgoo North Rd	38146.56
30/07/2007	ROADS: Narl Yuin	2669.1
30/07/2007	ROADS: Gabyon - Tardie Rd	1532.72

Plant Report: The Iveco truck burnt a clutch out and was towed to Geraldton. Attached is the repair description for Council information.

STATUTORY ENVIRONMENT  
 Nil

STRATEGIC IMPLICATIONS  
 Nil

POLICY IMPLICATIONS  
 Nil

FINANCIAL IMPLICATIONS  
 Nil

CONSULTATION  
 Nil

**COMMENT**

Nil

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That the Works Foreman's report for July 2007 be received.

## **13.2 TOWN PLANNING/ENVIRONMENTAL HEALTH/BUILDING SURVEYOR**

### **13.2.1 YALGOO TEAROOMS**

File: C6-5  
 Author: David Williams Environmental Health Officer  
 Interest Declared: No interest to disclose  
 Date: 14 August 23, 2007  
 Attachments: Nil

#### **MATTER FOR CONSIDERATION**

This report is to advise Council of the additional items required to expand the current use of the Yalgoo Tea Room to a café/restaurant.

The additional items include:

1. Commercial Mechanical Ventilation (Need for Heritage Commission approval)
2. Provision of hand towels and soap dispenser.
3. Fly wire/air screens screen to the front and rear doors (Need for Heritage Commission approval).
4. Continued wall tiling where food is being prepared.

#### **BACKGROUND**

The Yalgoo Fuel complex was upgraded into a multipurpose facility in 2006, part of the facility deemed by Council's Environmental Health officer to be a tea room. The tea room classification permitted the preparation and serving of basic foods i.e. sandwiches, packaged food, tea and coffee. However since the premises has opened the food preparation has expanded to include café fast food and sit-down meals.

#### **STATUTORY ENVIRONMENT**

Health Act 1911  
 Health (Food Hygiene) Regulations 1993

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

There is a cost for upgrading the premises to comply with the current Health (Food Hygiene) Regulations 1993. A quote was sought from W.S. Sheetmetal Works in Geraldton for the installation of the commercial mechanical ventilation. The quote has estimated the value of the work to be fourteen thousand dollars without the cost of electrical installation. Other work is still to be quoted.

#### **CONSULTATION**

Discussions were held with the Shire of Yalgoo's previous Chief Executive Officer, Mr. Lew Hills, the Lessee (Corvino Pty Ltd) and staff operating the Tea rooms. The discussions included the need to upgrade the premises to comply with the Food Hygiene Regulation 1993 and install the additional items as required for the expanded activities. Further discussion has been undertaken with the Heritage Council of Western Australia regional officer Tanya Henkel as the premises is heritage listed. Tanya will be visiting the Shire of Yalgoo on 28 August to provide advice on how to apply the Commission's requirements.

#### **COMMENT**

The existing fan does not comply with requirements of the Regulations, being domestic, not commercial.

The Health Food Hygiene Regulations require that the 'proprietor' of a food premises must comply with the regulations. Discussion with the Department of Health has suggested that a 'proprietor' of a food premises is deemed to be the owner of the business and not the owner of the building unless otherwise legally defined in a contract.

Schedule 3 of the regulations describes a café as a class one premises and therefore must comply with the rest of the regulations pertaining to the classification. This includes the provisions described in Schedule 4 Part 3 of the regulations for the provision of ventilation and exhaust equipment and the exclusion of insects.

The current lease appears to be ambiguous with regard to who is obliged to install the equipment. Hence Council will be required to consider who the proprietor is and ensure any future lease arrangement for the premises includes a clause which requires the proprietor and not the owner of the building to be responsible for complying with the provisions of food hygiene legislation.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

1. That to expand the current use of the Yalgoo Tea Room to a café/restaurant, Council requires that the 'proprietor' of the Yalgoo Tearooms complies with the Health (Food Hygiene) Regulations 1993 and provides for the installation of –
  - a) Commercial mechanical ventilation with Heritage Commission approval,
  - b) Provision of hand towels and soap dispenser,
  - c) Fly wire/air screens screen to the front and rear doors with Heritage Commission approval,
  - d) Continued wall tiling where food in being prepared,
2. Council ensures any future lease arrangement for the premises includes a clause which requires the proprietor and not the owner of the building to be responsible for complying with the provisions of food hygiene legislation.

### **13.3 DEPUTY CHIEF EXECUTIVE OFFICER**

#### **13.3.1 FINANCIAL ACTIVITY STATEMENTS – JULY 2007**

File: F8  
Author: Ron Adams, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 27 July 2007  
Attachments: Financial Activity Statements for July 2007 [green]

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for July 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

- s.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 31 July 2007, as attached.

### **13.3.2 ACCOUNTS PAID DURING THE MONTH OF JULY 2007**

File: F8  
Author: Ron Adams, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 27 July 2007  
Attachments: EFT & Cheque Detail for July 2007 [green]

#### **MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of July 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 July as per attached schedule.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That:

1. The Cheque Detail of payments covering vouchers EFT 1 to EFT 55 totalling \$150477.36 paid during the month of July 2007, be received;
2. Cheque payments covering cheque numbers 10538 to 10562 totalling \$42457.60 paid during the month of July 2007, be received; and
3. Salaries and Wages totalling \$74911.72 paid during the month of July 2007, be received.

### **13.3.3 RATES – WRITE OFF RATES CONSIDERED DOUBTFUL**

File: R4  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No interest to declare  
 Date: 27 July 2007  
 Attachments: Outstanding Rates 2006/07 [yellow]

#### **MATTER FOR CONSIDERATION**

To approve the write off of rates considered to uncollectible.

#### **BACKGROUND**

At the recent interim audit of 2006-07 financial year discussions were held with the amount of doubtful debts that Council may have with rates debtors. In the auditors management the following comment was made.

#### **Uncollectable rates**

*Through discussions with management we discovered that there were some outstanding rates that were not expected to be collected.*

*We recommend that as of 30 June 2007 these outstanding amounts be written off or provided for a doubtful debt so that the rates debtors are correctly stated in the financial statement*

The rates and charges to be considered for write relate to Wildbeach Corporation Pty Ltd. After initially sending to Council's debt collector for action, the debt collector has reported that this particular company has a "very long list" of companies and people looking for payment.

The rates and charges date back several years and are considered by administration as extremely doubtful and expending further money would not achieve a return on that investment.

For Council information a full list of outstanding rates as at 30 June 2007 is attached. A high percentage of these are interim rates which are deemed collectable.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

- s.6.12–Provides a local government a power to grant discounts, waive or grant concessions in relation to any amount of money or write off any debt which is owed to the local government.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Policy 4.1 Outstanding Rates–Provides for administration to report to council for resolution on outstanding monies owed to the Shire of Yalgoo.

#### **FINANCIAL IMPLICATIONS**

The write off of \$13475.89 will more accurately reflect Council's rate debtors' balance in the financial statements for the year 2006-07

#### **VOTING REQUIREMENTS**

Absolute majority

#### **OFFICER RECOMMENDATION**

That Council write off \$13475.89 from its Rates Debtor account - Wildbeach Corporation Pty Ltd.

### **13.3.4 RECREATIONAL FACILITIES**

File: S18  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Niel Mitchell, CEO  
 Interest Declared: No interests to declare  
 Date: 30 July 2007  
 Attachments: Submissions Received [blue]  
 HCC School Camp Plan  
 Advert for Submissions

#### **MATTER FOR CONSIDERATION**

Council to consider submissions for recreational facilities and to approve advertising for engaging a conceptual drawing.

#### **BACKGROUND**

A timeline was presented for recreational facilities at the ordinary council meeting 17 May 2007. This timeline provided for advertising in the Yalgoo Bulldust for submissions from the community and interested parties for concept plans, drawings, or just information on what they would like to see in Yalgoo.

The Healthy Community Co-ordinator Greg Daniel planned to use the travel time with the children of Yalgoo on the school camp to discuss and draw some submissions on what they would like to see in Yalgoo.

Ferrowest have been invited to assist with ideas and concepts that may have their interests included in any submissions.

Cr Ellen Rowe has informed administration that her submission would be completed for consideration.

Submissions have been received from:

Ron Adams, Deputy Chief Executive Officer, Shire of Yalgoo  
 Brett Manning, Ferrowest

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.2.7(2)–Provides that Council is to oversee the allocation of local government finances and resources.
- s.3.1–Provides that the general function of the local government is to provide for the good government of persons in its district.
- s.5.8 and following – establishment of Committees

#### **STRATEGIC IMPLICATIONS**

Provision of a Recreation Centre type facility is considered with the key strategic mission of providing community, cultural, recreation and welfare services, facilities and programs which meet the needs of the community.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Provision has been made in the 2007-08 budget of \$53000 for the commissioning of architectural concept plans and quantity survey costing.

#### **CONSULTATION**

Ferrowest Brett Manning  
 HCC Greg Daniel  
 Councillor EC Rowe

**COMMENT – DCEO**

The success of this proposed project should take some community ownership and involvement. The request for assistance from the community has been extremely disappointing. I would expect the same issues to come back from the community next summer (swimming facilities, children in the railway dams etc) through the Healthy Community Project Reference Committee. The only serious enquiry was from the ABC radio who requested an on air interview about the possibility of the new facilities being built. It was difficult to be up beat about them when the community support is non existent. However, the driving force has to come from community leaders such as Council and any developers looking at projects in Yalgoo.

**COMMENT – CEO**

This matter was also raised for discussion at the last Healthy Community Project Meeting, where it was noted that no submissions had been received.

It was also commented to the meeting that the community as a whole, needed to be behind the project, consistently, and not wait until something is needed to complain about lack of facilities.

It was suggested at the HCP Meeting, that a Committee should be formed to keep awareness high in the community and to work with Council towards getting the facilities for Yalgoo. A Committee could be made up by members of the public and at their initiative, in which case, Council approval is not needed. If it is a Council appointed Committee, the requirements of the Local Government Act apply.

Cr Hodder met with me in relation to a possible committee on 16 August, and among the matters discussed were –

- Council to approve establishment of a Recreation Facilities Committee to include member of the public and nominees from the School and Police
- possibly calling a public meeting to discuss the proposal for Recreation Facilities, suggested about 17-18 September, prior to Council meeting on 20 September,
- at that meeting, ask for nominations to a Recreation Facilities Committee
- Council would then formally appoint those persons to the Committee at the following Council Meeting
- the Committee to meet with the person preparing concept plans, and quantity surveyor if appropriate
- subsequent meetings of the Committee would be as needed

Another matter very briefly discussed, was to request the person preparing concept plans to meet with the school children, in the process.

Subsequent to my meeting with Cr Hodder, in conversation with the DCEO, he drew my attention to item 11.2.8 in the May 2007 Ordinary Council Meeting, dealing with the same issue. His report to the May 2007 meeting notes the history of the proposal for recreation facilities, and provides a timeline for the future, which was adopted by Council.

In discussion with the DCEO, he also advised that there had been extensive public consultation in the past, not just during the development of the feasibility study by ABV Leisure, and that there had been various Committees at differing times, which appear to have fallen by the wayside for whatever reason.

Council may wish to consider the establishment of a Committee once again, and a series of public meetings. However, if these have already been done, there may not be any advantage to be gained. If a Committee is to be established, to generally fit in with the DCEO's recommendation below, council would need to–

- (1) agree in principle to the establishment of a Recreation Facilities Committee under the Local Government Act s.5.9 (d) consisting of council members and other persons, to be confirmed at the September Meeting of Council;
- (2) consider calling a public meeting be called for Tuesday 18 September, to be held in the Shire Hall, the purposes to be –
  - discussion of proposals for Recreation Facilities
  - invite names from members of the public to be appointed by Council to the Committee at the September meeting

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION – DCEO**

That Council:

- (1) note the submissions received, as attached
- (2) determine the general consensus of the community needs, and develop a list of items to be included in any further development.
- (3) advertise for quotes from interested parties to prepare concept plans and quantity surveys, based on the needs and items determined.

**13.3.5 ADOPTION OF ANNUAL BUDGET 2007-08**

File: B3-1  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No Interest to declare  
 Date: 30 July 2007  
 Attachments: Budget 2007-08, Schedule Fees & Charges [lime green]

**MATTER FOR CONSIDERATION**

Council to consider adopting the 2007/08 Budget and also approve

- Differential and minimum rates
- Instalment interest rate and fee, penalty interest rate and early payment incentive prize.
- Cemetery Fees and Charges
- Schedule of Fees and Charges

**BACKGROUND**

Council at a Special Meeting on 25 July 2007, considered the draft Budget for 2007-08 and approved the advertising of differential rates for 2007-08 (refer Council resolutions S07-0701 and S07-0702)

Council approved the Schedule of Fees & Charges at ordinary council meeting in April 2007 (refer Council resolution OC0410)

**STATUTORY ENVIRONMENT**Local Government Act 1995

- s.6.2–Requires a local government to prepare an annual budget by 31 August
- s.6.32–States that a local government in order to make up the budget deficiency is to impose a general rate on rateable land that may be imposed uniformly or differentially
- s.6.33(1)–Provides that a local government cannot, without the approval of the Minister, impose a differential general rate that is more than twice the lowest differential general rate imposed.
- s.6.33(3)–States that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency
- s.6.35–States a local government before imposing any differential general rate provide at least 21 days public notice of its intention to do so.
- s.6.45 to 6.47–Allows a local government to levy fees and interest, grant a discount for early payment and to waive or grant concessions in relation to a rate or service charge.
- s.6.51–Allows a local government to charge interest on a rate or service charge that remains unpaid after it is due and payable.
- s.6.16–Allows a local government to impose and recover a fee or charge for any goods or services it provides or proposes to provide.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Policy 4.9 – Budget Timetable, outlines the steps and timetable leading to the adoption of the Budget.

**FINANCIAL IMPLICATIONS**

The budget outlines planned expenditure and revenue and determines the financial parameters for the Shire to operate within for the 2007/08 financial year. The proposed budget for the year is balanced with all revenue to be received during the year and the estimated brought forward surplus being expended on meeting operating expenditure demands, the capital works programme and transfers to reserves for future years' expenditure.

**CONSULTATION**

The proposed differential rates were advertised for public comment in advertisements placed in The West Australian on 28 July 2007 and in the Yalgoo Bulldust on 3 August 2007. Ratepayers and electors were invited to provide submissions, to be received by 4.00pm Monday 20 August 2007.

No submissions were received by the closing date.

**COMMENT**

Following changes processed to the draft budget provide to Council at its meeting on 25 July 2007, the Rate Setting Statement now shows a balanced result. This compares to the deficit of \$499,795 presented to Council in the draft budget.

The budgeted result for 2007/08 assumes that a surplus of \$738,519 will be recorded for 2006/07 and is similar to the surplus included in the draft budget. As the annual financial statements have not been completed this forecasted result is subject to change.

**Changes to the Draft Budget**

## Operating Expenses:

1.	E041050	Election Expense reduce by	\$5,000
2.	E091005	Staff Housing reduce by	\$5,000
3.	E092020	Other housing reduce by	\$5,000
	E092025	Other housing reduce by	\$5,000
4.	E107005	Cemetery Expenses reduce by	\$3,000
5.	E145086	Accounting Expenses reduce by	\$10,000

## Capital Expenditure

1.	Governance- Laptop Computers reduce by	\$6,000
2.	Rec & Culture- Railway East End Toilets delete	\$6,080
3.	Rec & Culture- Race course fencing delete	\$ 5,000
4.	Rec & Culture- Race course finish box delete	\$ 10,000
5.	Rec & Culture- Public Park at Amenities reduce by	\$20,000
6.	Transport- Welder Compressor trailer reduce by	\$20,000
7.	Transport- Water Tanker reduce by	\$35,000
8.	Economic Services- Caravan Park Accommodation delete	\$100,000

## Reserve Transfers

1.	Building Reserve reduce by	\$50,000
2.	Loan 52 28A & B Selwyn Street delete	\$100,000
3.	Sporting Complex Reserve reduce by	\$25,000
4.	Railway Station Reserve reduce by	\$10,000
5.	Plant Reserve reduce by	\$60,000
6.	Golden Grove Road Reserve reduce by	\$ 20,000

TOTAL	\$500,080
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**Rates, Penalties and Instalments**

An error was identified in the advertising of the GRV Improved differential rate (7.018c in the \$). This error was re advertised on 1 August 2007 as the correct amount of 7.048c in the \$. Regulation 23(b) of the Local Government Financial Management Regulations states that if a differential rate or minimum payment differs from the proposed rate that was advertised, details of the advertised rate and the reasons for the variation must be disclosed in the Annual Budget. A notation satisfying these compliance requirements has been included in Note 8 to the Financial Statements.

A letter was sent on 30 July 2007, to the Minister for Local Government and Regional Development requesting approval to implement a differential rate that is more than twice the lowest differential rate. This approval is required in accordance with Section 6.33(3) of the Local Government Act 1995. The Ministers response will be tabled at ordinary council meeting on 30 August 2007 as it is not available for this report.

Penalty interest rate for rates not paid by due date and rate payment instalment options are the same as last year.

These details are:

- 11% penalty interest to be charged on rates outstanding after the due date and for which the instalment option has not been taken up.
- Rates can be paid in four instalments, provided there are no outstanding rates from the previous year. An instalment charge of \$ 5 plus daily interest of 5.5% will be charged on the balance outstanding after the instalment dates, this is applicable on the second, third and fourth instalments.
- Rates incentive prize for rates paid in full and received by council by 4.00pm on the due date is offered to ratepayers. This is in the form of a lucky draw, the prize to the value of \$1000 is to be determined by Council.

**Fees and Charges**

Schedule of Fees and Charges that was presented to Council at its meeting on 19 April 2007,(refer to OC0410)

To complete the budget process for 2007/08 there are a number of formal decisions required and these are outlined in the following officer recommendations.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION 1**

That Council adopt the following differential and minimum rates for the year ending 30 June 2008.

<b>Rate Category</b>	<b>Basis</b>	<b>2007/08 Rate in \$</b>	<b>2007/08 Minimum</b>
<b>Town Improved</b>	<b>GRV</b>	<b>7.0480</b>	<b>210</b>
<b>Town Vacant</b>	<b>GRV</b>	<b>7.0600</b>	<b>485</b>
<b>Pastoral</b>	<b>UV</b>	<b>7.2800</b>	<b>210</b>
<b>Mining</b>	<b>UV</b>	<b>22.7600</b>	<b>210</b>
<b>Exploration/ Prospecting</b>	<b>UV</b>	<b>12.1700</b>	<b>210</b>

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION 2**

That Council

1. In accordance with Section 6.45 (1)(b) of the Local Government Act 1995, offer the following options for the payment of rates:
  - Option 1: Payment in full by a single instalment
  - Option 2: Payment in four equal instalments
2. In accordance with Section 6.45 (3) of the Local Government Act 1995, impose an administration fee of \$5 to the second, third and fourth instalments.
3. In accordance with Section 6.51 of the Local Government Act 1995, impose a late payment penalty interest rate of 11% on the rates that have not been paid by the due date and where instalment option 2 has not been taken up.
4. Early rate payer prize to the value of \$1000 be offered by lucky draw to those ratepayers who have paid their rates in full by 4.00pm on the due date shown on the rates notice.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION 3

That Council, in accordance with Section 6.16 of the Local Government Act 1995, adopt the Schedule of Fees and Charges as presented in the Budget for the year ended 30 June 2008

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION 4

That Council, in accordance with the Health Act 1911, impose the following charges for 2007/08 –

1. Weekly rubbish removal for residential of \$ 171.97
2. Twice weekly rubbish removal for commercial of \$ 558.25

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION 5

That Council, in accordance with Section 6.2 of the Local Government Act 1995, adopt the Annual Budget for the year ending 30 June 2008 as attached, and amended by the Special Meeting of Council of 25 July 2007.

**13.3.6 HOUSING – Lot 17 SHAMROCK STREET**

File: H6-4  
Author: Ron Adams, Deputy Chief Executive Officer  
Interest Declared: No Interest to declare  
Date: 22 August 2007  
Attachments: Nil

**MATTER FOR CONSIDERATION**

To determine if Lot 17 Shamrock Street is to be offered for sale

**BACKGROUND**

A letter was received by the Shire on 26 May 2007 from Shire employee, Steven Hayes, asking if the Shire was considering selling the property. Lot 17 Shamrock is the old CEO residence.

Currently the Shire has six units that are occupied by staff and four houses that are also occupied by staff. The Shire has a vacant house located at 30 Selwyn Street (Ray Winfield's old residence). The three oldest residences are Lots 16 & 17 Shamrock Street and 30 Selwyn Street.

The Shire is to build two new residences in 2007-08. This would then free up the current CEO residence (27 Stanley St) to be used as works or admin staff residence allowing one of the older properties to be sold.

The three older properties require a large amount of maintenance to be carried out in 2007-08.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

- s.3.58 provides for the process of how a local government can dispose of property as follows;
- s.3.58 (2)(b) states that a local government can only dispose of property to the person who at public tender makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest bidder.
- s.3.58 (3) provides for disposition of property by private treaty and that public notice must be given and submissions be called of the proposed disposition .

**STRATEGIC IMPLICATIONS**

Making available housing to the public is consistent with the key mission of promoting the development of the local and regional economies through the specific objective of ensuring the provision of adequate housing.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Cost of advertising for the tender process. Based on recent housing sales in Yalgoo, the property could realise anything from \$10,000 to \$80,000. If a sale was to occur then the property would become rateable which would be payable to the Shire.

**CONSULTATION**

Nil

**COMMENT**

Council could have valuations and assessment done on all three of the older properties, and consider the possibility of selling one of the properties following the receipt of the reports.

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council –

1. Have property valuations and assessments undertaken on 16 & 17 Shamrock Street and 30 Selwyn Street
2. Staff prepare a comparison of maintenance cost and market value to determine which if any properties should be sold, and recommend a process of how the properties are to be disposed of.
3. Advise Mr Steven Hayes that the process of consideration for sale of the property has begun, and that he will be advised further once Council has considered the reports and made a decision.

**13.4 CHIEF EXECUTIVE OFFICER****13.4.1 CEO – ACTIVITY REPORT JULY/AUGUST 2007**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 23 August 2007  
 Attachments: Nil

Use of Common Seal

31 July 12 month extension of Healthy Communities grant funding with Dept of Family, Children's Services and Indigenous Affairs

Ferrowest – Lot 185

Following last Council Meeting, Ferrowest were advised of Council's decision regarding Lot 185 and the conditions applying. They have since confirmed their acceptance of the price of \$80,000 for the super-block, and the conditions. The disposition has now been advertised for submission, in accordance with the Local Government Act, for consideration at the September Council meeting. Following any submissions, the contract will be prepared.

Mulgara Minerals

Mulgara Minerals have advised that they have acquired all of Prosperity's leases to the north of town. Initially they will be involved in some rehabilitation work, with a view to commencing detailed exploration of the area over the next 18 months to two years, basing crews of 6-12 in Yalgoo and using local labour as able. In conjunction with the EHO, there was also some discussion regarding the establishment of a base in the town for stores and equipment prior to any mining activity, and the possibility of having their operational workforce based in Yalgoo on a sup-block as per Ferrowest intentions. At this time there is no indication of likely start up date, following exploration if feasible.

Joint Venture Housing

Following a comment to me that there had been correspondence between the Shire and Dept of Housing and Works earlier this year, a search of our records could not locate any copies, DHW subsequently confirmed that the last action on their files was a letter to the Shire dated 13 December 2006, which was reported to the February 2007 Council meeting. Accordingly, I have responded as per Council's resolution, advising –

- Council's resolution, noting that the Shire has not at this stage implemented part 3 of the resolution (declining to accept rents, maintenance not being undertaken)
- that their assertion that the Shire has only had the units for a short time is not relevant, as the best time to get out of a bad agreement is as early as possible
- that the fact they do not have other residences in town is also irrelevant as they manage property all over the State including areas more remote than Yalgoo
- that the proposed handover date from Shire to DHW is 1 November 2007

A copy of the letter, prior correspondence and information has also been sent to Hon. Vince Catania MLC.

Elections

25 August last Saturday for advertising re enrolments (WALGA coordinating)  
 31 August enrolments close  
 5 Sept advert for nominations (WALGA)  
 6 Sept Nominations open  
**13 Sept Nominations close at 4.00 pm**  
 19 Sept details of nominations advertised (WALGA)  
 16 October Absent voting closes  
 19 October Early voting closes at 4.00 pm  
 19 October Early voting remote booth at Paynes Find from 12.00 to 2.00 pm  
 20 October Election Day – voting in person from 8.00 am to 6.00 pm  
 25 October post-election advertising (WALGA)  
 3 November last day for election report to Minister

Meetings

- 25 July Special Meeting re draft Budget
- 28 July Murray Brown – handover of Murchison Country Zone Executive Officer's role
- 30 July Corvino Pty Ltd and Pingar Project Management Group – Railway Station and lease
- 31 July Opening of the HERO Water treatment Plant by Minister for Water
- 2 August Laura Gray, Consultant for Heritage Council
- 3-5 August Local Government Convention
- 6 August with Mt Magnet and Sandstone Shire representative, meeting with RFDS, GRAMS, WACHS, Rural Health West (WACRRM) and Hon. Vince Catania re: medical services to Mt Magnet and surrounding towns
- 9 August Mulgara Minerals (Kevin Holland, Managing Director, and Brian Davis, Director and Geologist)
- 10 August Mulgara Minerals with EHO
- 10 August demonstration of emulsion/chemical additive to roads proposed by Harmony Gold on Uanna Hills road and others, with Works Supervisor and Shire of Mt Magnet
- 13 August Health Community Project Reference Group meeting
- 16 August with President and Works Supervisor – meeting with Ken Fitzgerald of Ethan Resources, Barry Giles and others, re access by road train from gypsum mine on Maranalgo Road to Great Northern Highway at Paynes Find
- 21 August with DCEO and HCP staff, meeting with Brianna Higgins, FaCSIA and Veronica Herley, ICC Geraldton re HCP

Future meetings –

- 28 August Tanya Henkel, Heritage Council of WA re: Railway Station and other matters
- 29 August DLGRD workshops in Cue – Official Conduct Bill and Elections
- 7 Sept Murchison Zone Strategy Group in Cue
- 11-13 Sept LGMA Symposium on the Future
- 18 Sept RFDS at Paynes Find
- 9 November Murchison Country Zone in Cue

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That the CEO's Activity Report to 22 August 2007 be received.

### **13.4.2 FREEDOM OF INFORMATION STATEMENT**

File: F4  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 12 August 2007  
Attachments: Draft FOI Statement [sea green (2)]

#### **MATTER FOR CONSIDERATION**

Adoption of a Freedom of Information Statement, review and publication as required by the FOI Act.

#### **BACKGROUND**

The Freedom of Information Act 1992 requires agencies to prepare and adopt an Information Statement that contains the following information –

- a) the structure and function of the agency
- b) a description of how the agency affects the public
- c) arrangements for the public to participate in agency decisions
- d) a description for the kinds of documents held
- e) how those documents can be accessed
- f) procedures for accessing the documents
- g) how a person can amend personal information

#### **STATUTORY ENVIRONMENT**

Freedom of Information Act 1992 –

- s.94 – Information Statements
- s.96 – Publication of Information Statements

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Future inclusion in Policy Manual

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

The FOI Act also requires annual review and publication of the information Statement. To meet these requirements, many Councils include the Information Statement in the Annual Report. As the Annual Report must be approved by Council, and is then published, it meets both requirements

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That the Information Statement as attached be adopted for 2007-08

### **13.4.3 PLAN FOR THE FUTURE**

File: S10-2  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 12 August 2007  
Attachments: Draft Plan for the Future [yellow (2)]

**MATTER FOR CONSIDERATION**  
Adoption of a Plan for the Future.

#### **BACKGROUND**

The Local Government Act requires Council to adopt a Plan for the Future for each financial year from 1 July 2006, which is to be reviewed and updated every two years, at minimum. The Plan for the Future replaces the requirements for a Principal Activities Plan, which had to be reviewed and updated annually.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
- s.5.56 – Planning for the Future

Administration Regulations 1996 –  
- r.19C – Publication of Information Statements  
- r.19D – Local public notice is required to be given

#### **STRATEGIC IMPLICATIONS**

Outlines the general directions and intentions of Council

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

I have not been able to locate a previous copy of a Plan for the Future for the Shire, and it is necessary that one be adopted. The draft Plan intends to build on the current initiatives and actions of Council, while recognising some of the major challenges and opportunities foreseen over the next few years.

The Plan is not fixed, but can be amended at any time by Council, subject to local public notice for each occasion of amending.

#### **VOTING REQUIREMENTS**

Absolute majority

#### **OFFICER RECOMMENDATION**

That the draft Plan for the Future be endorsed for advertising, and local Public notice be given inviting submissions.

#### **13.4.4 GRATUITY TO FORMER EMPLOYEE**

File: S70-9  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 15 August 2007  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To approve payment of a gratuity to a former employee.

#### **BACKGROUND**

Some months ago it was proposed that a gratuity be paid to Mr Ray Winfield, a former staff member of the Shire for approx. 16 years. As required by the Local Government Act, Council directed that a policy be prepared, which was subsequently approved by Council in July 2007, and advertised for public comment. No submissions were received during the comment period.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.5.50 (1) – requirement for Council to prepare a policy, or advertise the specific payment, if not complying with a policy

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Policy 3.16 – Gratuitous Payments to Employees

- Council may approve, on the recommendation of the CEO, a presentation gift of up to \$600 for 15-20 years service satisfactory service

#### **FINANCIAL IMPLICATIONS**

Gratuity payment of \$600

#### **CONSULTATION**

Nil

#### **COMMENT**

Mr Winfield's employment with the Shire commenced on 13 May 1991, and concluded with his resignation on 30 April 2007, just 2 weeks short of 16 years.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That –

- having completed more than 15 years satisfactory service, a gratuity payment of \$600 to Mr Ray Winfield, be approved
- Mr Winfield be invited to lunch on a Council meeting day for presentation of the gratuity and a Certificate of Appreciation.

### **13.4.5 YALGOO COMMUNITY PARK**

File: P1-1  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 17 August 2007  
Attachments: none

#### **MATTER FOR CONSIDERATION**

Future development of Yalgoo Community Park in Gibbons St.

#### **BACKGROUND**

There has been a number of attempts to develop a workable plan for the Community Park surrounding the public toilets over the past 12 months or more, with varying degrees of success.

At the July 2007 meeting, a concept proposal from the Town Gardener was presented for review, and Cr O'Connor also noted that she had been intending to prepare a concept for consideration, and the requested measurements of the block were provided to her.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.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**

None

#### **FINANCIAL IMPLICATIONS**

Grant / subsidy from Water Corporation

#### **CONSULTATION**

Chris Neretlis, and Hugh Lavery, Water Corporation  
Ron Adams, DCEO

#### **COMMENT**

In late July, Chris Neretlis of the Water Corporation contacted the DCEO and offered a small grant of \$5,000 towards the development of the Park. Hugh Lavery, Water Corp Regional Manager, later spoke to me, and suggested that a Waterwise certified landscape gardener be engaged, with any remaining funds being put towards the development of the park, such as –

- plants
- landscaping
- drinking water fountain

Mr Lavery has been asked to confirm the offer and amount.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That, subject to confirmation from the Water Corporation and all costs being covered by their contribution, a Waterwise certified landscape architect be engaged to prepare a plan in consultation with Cr O'Connor and the Town Gardener for the development of Yalgoo Community Park, to be approved by Council, with any remaining funds to be spent on plants and landscaping.

### **13.4.6 WANARRA RD EAST**

File: R11-66  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 21 August 2007  
 Attachments: none

#### **MATTER FOR CONSIDERATION**

Future upgrade and gazettal of Wanarra Road East.

#### **BACKGROUND**

Mt Gibson Iron Ore Project has been planned for some 10 years or more, and with the recent decision by the Minister regarding the environmental conditions, are looking to commence at an early date.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

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

Public Works Act 1902 –

- s.86(3) – roads under control of local governments.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Possible requirement to contribute to the upgrade of the road, and its maintenance. Also costs to re-Gazette the road reserve to the constructed alignment.

#### **CONSULTATION**

Peter Panek and Alex Aitken, Mt Gibson Mining  
 Greenfield Technical Services

#### **COMMENT**

Mr Peter Panek, Project Manager for Mt Gibson Iron Ore, and Mr Alex Aitken, met with me on 21 August 2007, to discuss a number of matters –

- dates for commencement –
  - o within six months – all approvals finalised, all permits in place, all agreements signed
  - o early 2008 – construction commences
  - o late 2008 – mining commences
  - o January 2009 – first shipment
- construction of accommodation camp and associated matters
- road alignments – Gt Northern Highway, Wanarra Rd, internal mining access roads

The EHO is aware that development is planned shortly, and will be discussing related issues with them.

In relation to the roads –

- Gt Northern Highway – the realignment will commence further south than originally intended, so that the crushing plant etc can be moved outside the blast exclusion zone. An overpass is intended over Wanarra Rd, so that the road trains carting the ore will not enter the Highway at all, but have direct access from the mine site to Wanarra Rd. A side road to be constructed will allow access from the Highway to Wanarra Rd.
- internal roads – access from the camp to the minesite will be by internal roads to be constructed generally along existing tracks, around to the old Highway alignment to the north of where the new deviation is to commence
- Wanarra Rd – will end at the new alignment of the Highway, accessed by turning left into a slip road to be constructed. The continuation will be signposted as mining access only.

Mr Panek also advised that the full 5.2 km length of Wanarra Rd East in Yalgoo Shire is not on the correct alignment. From the maps he had with him, the centreline of the constructed road is approximately 40m north of the gazetted road reserve. In some areas the mis-alignment of reserve and constructed road is more.

In order for them to be able to use the road, this does need to be corrected.

In addition, they will also need to widen the road for the trucks, and realign some curves. It is their intention to construct the road to 110 km/hr standard, suitable for maximum length road trains.

Given the tonnage of 3 million per year, they estimate that there will be one road train every 20 minutes approximately.

I advised them that the Shire is using Greenfield Technical Services for engineering consultancy services, and that they had prepared a standard agreement regarding road construction etc.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

- (1) That Council approves in principle, the use of Wanarra Road East, and its upgrading by Mt Gibson Iron Ore Project, subject to a satisfactory agreement being signed, prior to work commencing.
- (2) That Council commences action to correct the alignment of the Gazetted road reserve, to that of the road as constructed and including any minor realignment and curve reconstruction required for use of the by Mt Gibson Iron Ore Project.

**13.4.7 YALGOO CARAVAN PARK – Expressions of Interest to Lease**

File: T5-2007-01  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 21 August 2007  
 Attachments: Attachments to submissions by R & I Valenzuela and B Horsman [lilac]

MATTER FOR CONSIDERATION  
 Possible lease of Yalgoo Caravan Park

**BACKGROUND**

At the July 2007 Council meeting, following an approach by Mr Barry Horsman of Pingar Project Management Group, it was resolved to call expressions of interest in leasing the Yalgoo Caravan Park.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
 - S.3.58 – disposing of property  
 Functions and General Regulations 1996 –  
 - R.21 and following – requirements for Expressions of Interest  
 -

**STRATEGIC IMPLICATIONS**

Potential for implications for temporary accommodation in future years.

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Should a lease be entered into, may reduce some expenditure on Council in the long term.

**CONSULTATION**

Peter McConnell, CEO Shire of Mt Magnet – operations of Mt Magnet Caravan Park  
 Bill Atkinson, CEO Shire of Sandstone – operations of Sandstone Caravan Park

**COMMENT**

Expressions of Interest were called in the West Australian Saturday 4 August, and Geraldton Guardian Friday 3 August, and closed Monday 20 August 2007, in compliance with the regulations.

At close of EOI, two submissions were received –

- Raul and Ivonne Valenzuela
- Barry Horsman and nominees for Pingar Project Management Group

Both submissions complied with the formalities of submission, although both are inadequate in the information supplied. However, given the knowledge of the operations of the Caravan Park, it is possible to still draw valid conclusions

Summary –

	<b>R&amp;I Valenzuela</b>	<b>B Horsman</b>
Preferred length of lease	Not specified – continue current arrangements	5 years
Extensions	not specified	two x 5 year terms
Operational matters – lessee	as per current	Fencing erection All maintenance of buildings, fences, fixtures and fittings Cleaning – labour and materials All insurances All utilities – other than any power subsidy agreed

General expectations of Shire – maintenance	as per current	Gardening and landscaping for approx. 18 months
General expectations Shire – upgrade or improvements	as per current	Fencing materials Materials for any extensions to number of bays
After hours arrangements	as per current	At “Roadhouse” (i.e. café)
Additional matters		If Shire decides to sell, option to purchase is requested Intends to place “transportable dwellings” Intention to install a swimming pool for patrons Rates moratorium for suggested 5 years, or a “power subsidy” Full time caretaker resident Stipulated – a preliminary offer
Conditions	None	Extract from submission – <i>This offer is dependent on the terms and conditions of the Lessee’s request to accept assignment of the “Station 24hr fuel stop”, “the post office” and the “sporting complex” lease which is currently being negotiated.</i>
Lease amount	\$3,000	Extract from submission – <i>A monetary figure for the lease of the Park will be verbally relayed to the CEO when requested.</i>

Please note –

- a) Mr Horsman has been repeatedly advised that there is no assignment of the lease before Council for consideration, and that the request by Corvino Pty Ltd to have the lease assigned was withdrawn in late June 2007. There are no current negotiations between the Shire and Corvino Pty Ltd nor between the Shire and Mr Horsman in relation to assignment of the lease.
- b) There has been no request made, nor discussion with Mr Horsman regarding a monetary figure for the lease. Verbal advice will not be accepted, nor relayed other than to report the approach. Unless it is in writing, it will not be presented to Council.

Observations –

- R & I Valenzuela’ – their submission does not contain the full details requested, however, it is clear that their intention is that the current arrangements be carried forward, but formalised as a lease.
- B Horsman – all details requested have been addressed. Mr Horsman’s EOI is conditional upon him also having the lease of the fuel station, post office and café’ areas.

Council’s options appear to be –

1. continue with the current arrangements – either formalised or informally as present. If this were to be Council’s preference, it would be simpler to formalise the current arrangements as a contract or appointment as an “agency” of Council, rather than complicate the situation with formal lease arrangements. If at some future stage, it was desirable by either R & I Valenzuela or by the Shire to end the arrangement, it can be done faster and with less potential complications. The Shire would also retain greater control over the day to day operations of the Caravan Park in the meantime. If this is Council’s preference, I would suggest that the arrangement must be formalised so that both parties understand their roles and responsibilities.
2. employ a part time Manager/Caretaker – who would assume responsibility for cleaning, general gardening, collection of fees, issue of keys, be available for after hours etc. While this would simplify some duties and tasks for other existing employees, it is certain that some extra costs would be involved due to higher pay rate, overtime for weekend work etc. One benefit would

be that a single person is responsible for operations, rather than the three at present – gardener, cleaner and Yalgoo General Store.

3. lease – all responsibilities are handed over to the lessee, except contributions as negotiated, which may be indirect subsidy (rates moratorium), direct subsidy (power subsidy) or direct assistance (fencing and upgrade materials, gardening for a negotiated period).

It was also requested that the Shires of Mt Magnet and Sandstone be contacted regarding the operations of their Caravan Parks –

	<b>Mt Magnet</b>	<b>Sandstone</b>
Operator	Shire	Shire
Person	Employee – full time caretaker	Employee – part time caretaker
Range of duties	Cleaning Keys – issue and receipt Bookings and fees Minor gardening	Cleaning Keys – issue and receipt Bookings and fees Minor gardening
No. of bays	Approx 40	22, recently increased to 30
On site accommodation	Some – number not advised	Recently demolished
Length of stay	Quite a few stay long periods, usually mine contractors	Many are longish stay (7-8 weeks)
Approx. annual expenditure	\$180,000	\$140,000
Approx. annual income	\$80,000	\$31,000
Approx. loss 2006-07	\$100,000	\$109,000

In conclusion, I recommend that both Expressions of Interest be declined for several reasons –

- R & I Valenzuela – I consider that there is a simpler way of achieving the result desired by them, should this arrangement be preferred by Council
- B Horsman – the EOI is conditional upon being the lessee of the 3 areas of the Railway Station. I do not consider that this is a valid condition to apply within the context of this EOI. As the Railway Station lease is a separate matter, it is a condition that requires Council to commit to a single course of action, which is not envisaged by the EOI, and is outside of the EOI specifications. For Council to accept Mr Horsman’s EOI, with this condition, commits Council to leasing the premises to him.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

- (1) That the Expressions of Interest from R & I Valenzuela and Mr B Horsman be declined.
- (2) That R & I Valenzuela, as owners of the Yalgoo General Store, be approached to negotiate formalisation of the current arrangements, to include –
  - Caravan Park – control of bookings, collection of fees, issue/receipt of keys, after hours and weekend contact, basic records / statistics as required etc
  - Museum – collection of entry fees, issue/receipt of keys, basic records / statistics as required
  - appropriate remuneration arrangements to act as Council's agent

### **13.4.8 LOTS 73 and 74 – Tenders for sale of land**

File: T5-2007-02  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 21 August 2007  
Attachments: M & K Lambert – letter of clarification [blue]  
Ferrowest – letter of clarification

#### **MATTER FOR CONSIDERATION**

Tender for the sale of Lot 73 Weekes Street and Lot 74 Gibbons Street, Yalgoo

#### **BACKGROUND**

At the July 2007 Council meeting, it was resolved to call tenders for the purchase of the two lots.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- S.3.58 – disposing of property

Functions and General Regulations 1996 –

- R.21 and following – requirements for Expressions of Interest

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Income from the sale of land, and rates, once transfer is complete.

#### **CONSULTATION**

None

#### **COMMENT**

Tenders were invited in the West Australian Saturday 4 August, and Geraldton Guardian Friday 3 August, and closed Monday 20 August 2007, in compliance with the regulations.

At close of tenders, three submissions were received –

- Ferrowest Ltd
- Raul and Ivonne Valenzuela, for Chanelle Enterprises Pty Ltd t/as Yalgoo General Store
- Michael Lambert and Kit MF Lambert, for Geraldton Miscellaneous Services

All submissions complied with the formalities of submission.

Conditions of sale included –

- title in the land will not be transferred until satisfactory proof of development is produced
- development of the Lot must commence within two years, or other such timeframe as agreed by Council at time of acceptance of tender
- on acceptance of tender a non-refundable deposit of 10% of the accepted tender price is due within 14 days, or other arrangement as accepted by Council
- Council will consider tenders for each lot separately, and is not bound to award the purchase to a single tenderer.

Lot 73 Gibbons Street is zoned commercial, and may be used for a residence or other purposes subject to the Town Planning Scheme and Council approval.

Lot 74 Weekes Street is zoned Residential R10.

Summary –

	<b>Ferrowest</b>	<b>R&amp;I Valenzuela</b>	<b>M &amp; KMF Lambert</b>
Tendered for Lot 73	\$4,000.00	\$2,000	\$4,399.00
Conditions	Only if lot 74 is also sold to them	None	None
Variations sought	None	None	none
Tendered for Lot 74	\$1,000.00	No bid	\$4,399.00
Conditions	none		If bid for Lot 73 not successful, a commitment from Council that it may be used for commercial purposes is sought. Would then also be interested in Lot 75.
Variations sought	None		none

Tendered prices are inclusive of GST.

Factors that Council may consider are not limited solely to the amount offered, but may include anticipated community benefit, both for the immediate future and longer term.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

- (3) That the tendered price of \$ \_\_\_\_\_ for Lot 73 Gibbons Street, Yalgoo from \_\_\_\_\_ be accepted.
- (4) That the tendered price of \$ \_\_\_\_\_ for Lot 74 Weekes Street, Yalgoo from \_\_\_\_\_ be accepted.

### **13.4.9 SEED COLLECTION – Cr EM Taylor**

File: C15  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 15 August 2007  
 Attachments: none

#### **MATTER FOR CONSIDERATION**

To consider request for permission to collect wildflower seed.

#### **BACKGROUND**

Cr Taylor has for some years, been given approval by Council to collect seed within the Shire.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.54 – management of reserves vested or placed under Council's control

Wildlife Conservation Act –

- protection of native flora and fauna

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Policy 10.1 – Requests for permission to pick Wildflowers on Common

- 1) *That permission be granted to applicants seeking to pick wildflowers on Shire Reserves for their own domestic and hobby use only, subject to their obtaining a permit from the Department of Conservation and Land Management*
- 2) *That commercial picking of wildflowers on Shire Reserves not be permitted.*

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Cr E Taylor

Mr Graeme Zekulick, Dept of Environment and Conservation

#### **COMMENT**

Cr Taylor advised that she made a request in early June 2007 by letter from France, in order that her request could be considered prior to 31 July, when her licence from DEC expires. However, and extensive search of files and records has been unable to locate a copy of the letter.

A subsequent application was received on 8 August, requesting an urgent reply so that her licence could be renewed without delay. In her letter Cr Taylor notes that –

- permission is obtained each year
- the area is mainly the Payne's Find Common
- supply of seed is to Golden Grove, and
- is a part of her annual income

My reply of 9 August advised that I had no discretion under the policy to approve her request, as it was for a commercial purpose, and that it would be referred to the August Council meeting for decision.

In a telephone conversation later that day, Cr Taylor noted that her request was to collect seed, not pick wildflowers as stated in the policy, and also suggested that I contact DEC regarding the conditions of issue of a licence.

As the policy only covers the picking of wildflowers, and does not mention approve seed collection, it is somewhat ambiguous as to what I have the discretionary authority to approve. Accordingly, I contacted Mr Zekulick at DEC to discuss the issue, and he advised that as far as the Department is concerned, picking of wildflowers and collection of seed are governed by the same regulations, and are essentially the same.

A subsequent circular letter from DEC received 14 August 2007 confirms Mt Zekulick's advice, as it states in part –

*A Commercial Purposes Licence is required to be held by all operators intending to harvest seeds, fruit, flowers etc for commercial purposes from any area of Crown land.*

The letter further requires the licence to specify the area in which they wish to pick seed, flowers etc.

The policy is not rigidly adhered to, as Cr Taylor's request has been approved many times in the past. Consideration needs to be given to amending it to allow picking of seed or flowers in restricted circumstances.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

That Cr Taylor's request to harvest seed from native plants for commercial purposes on Shire Reserves, be approved, subject to the approval being valid for Shire Reserves within 30 km of Payne's Find.

### **13.4.10 COUNCIL FORUMS**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 22 August 2007  
Attachments: DLGRD Guidelines 05 – Council Forums [sand]

**MATTER FOR CONSIDERATION**  
Establishment of pre-Council Meeting Discussion Forums.

**BACKGROUND**  
Initially raised at the July Council Meeting, it was resolved to meet 30 minutes prior to the commencement of the August Council meeting, for general discussion.

**STATUTORY ENVIRONMENT**  
Local Government Act 1995 –  
- Part 5 Administration – division 1 and 2, Introduction and Council meetings, committees etc

**STRATEGIC IMPLICATIONS**  
Opportunity to discuss matters relating to the Shire, outside of the normal constraints.

**POLICY IMPLICATIONS**  
None

**FINANCIAL IMPLICATIONS**  
None

**CONSULTATION**  
None

**COMMENT**  
A copy of the Operational Guidelines relating to Council Forums, issued by the Department of Local Government and Regional Development has been circulated to all Councillors.

While the Guidelines are not legislation or regulation, and therefore are not mandatory, I would strongly recommend close adherence to them, as they have been designed to ensure compliance with both the letter of legislation as well as its intent. In particular, the principles noted in paragraphs 6 and 8 on p.2 of the Guidelines.

**VOTING REQUIREMENTS**  
Simple majority

**OFFICER RECOMMENDATION**  
That –  
a) the Dept of Local Government and Regional Development Guidelines 05 – Council Forums be noted;  
b) all discussion sessions be Concept Forums as outlined in the Guidelines section 3, paragraphs 13 to 16;  
c) as recommended by the Guidelines section 7 paragraphs 47 to 50, the CEO prepare draft procedures for the Concept Forums.

**13.4.11 DELEGATIONS TO CEO**

File: P11  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 22 August 2007  
 Attachments: none

**MATTER FOR CONSIDERATION**

To approve delegations to the CEO for the 2007-08 Financial Year.

**BACKGROUND**

The Local Government Act requires that delegations to the CEO be reviewed at least once every financial year.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.5.42 – provides that a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this act
- s.5.43 – A local government cannot delegate to a the CEO any of the following powers or duties –
  - a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
  - b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
  - c) appointing an auditor;
  - d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
  - e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
  - f) borrowing money on behalf of the local government;
  - g) hearing or determining an objection of a kind referred to in section 9.5;
  - h) any power or duty that requires the approval of the Minister or the Governor; or
  - i) such other powers or duties as may be prescribed.
- s.5.44 – CEO may delegate powers and duties to other staff
- s.5.46 – delegations to be reviewed at least once every financial year by the delegator

Administration Regulations 1996 –

- r.18G – limits on delegations to CEO
- r.19 – records to be kept by delegates

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Use of delegated authority commits Council to expenditures, subject to the limits placed.

**CONSULTATION**

None

**COMMENT**

The current delegations were last reviewed and adopted in June 2006, and were therefore due to have been reviewed and confirmed in June 2007, in order to comply with requirements.

In order to bring the Shire into compliance, it is suggested that the delegations previously adopted in 2006 and prior years, be confirmed once again. However, I would also note that I consider them to be inadequate, and need considerable development in order to provide sufficient guidance to the CEO and staff in the use and application of the delegated authorities.

A review of the Delegated Authority has commenced, along with a review of the Policy Manual, with the aim of presenting complete reviews of both Delegations and Policy to Council for consideration at the November Meeting.

Several matters have been slightly amended or removed – e.g.

- authority for the CEO to speak on behalf of Council is at the discretion of the President, not Council
- tender amounts have been amended to be consistent with the tenders policy adopted by Council in February 2007

#### VOTING REQUIREMENTS

Absolute majority

#### OFFICER RECOMMENDATION

- (1) That pursuant to Section 5.43 of the Local Government Act 1995, all powers and duties of the local government be delegated to the Chief Executive Officer except those referred to in section 5.43 of the Act.
- (2) That, for the purpose of paragraph (b) of Section 5.43 of the Local Government Act 1995, the amount be determined at \$100,000 and in accordance with the Purchasing Policy adopted by Council.
- (3) That, for the purpose of paragraph (d) of Section 5.43 of the Local Government Act 1995, the amount be determined at \$100,000 and in accordance with the Purchasing Policy adopted by Council.
- (4) For the sake of clarity, the powers and duties that are hereby delegated to the Chief Executive officer include, but are not limited to, the following:
  - a) Authority to determine applications made pursuant to the Official Information Act.
  - b) Power to issue notices in respect of land as provided for in Subdivision 2, Division 3, Part 3 of the Local Government Act 1995.
  - c) Powers of entry as provided for in Subdivision 3, Division 3, Part 3 of the Local Government Act 1995.
  - d) Power to remove and impound goods as provided for in Subdivision 4, Division 3, Part 3 of the Local Government Act 1995.
  - e) Power to temporarily close roads and thoroughfares under Section 3.50 & 3.50A of the Local Government Act 1995.
  - f) Authority to issue orders for goods and services provided for in the budget.
  - g) Power to pass accounts for payment.
  - h) Authority to invest surplus funds in accordance with Councils investment policy.
  - i) Authority to initiate legal proceedings.
  - j) Authority to undertake private works.
  - k) Authority to issue infringement notices and to exercise powers under the Dog Act, the Bush Fires Act, the Litter Act and any other Act.
  - l) Authority to issue permits for street stalls and the sale of liquor on Council premises.
  - m) Authority to lease Council buildings and facilities.
  - n) Authority to deal with all industrial matters.
  - o) Authority to accept tenders up to \$100,000 under Section 5.43(b) of the Local Government Act 1995, and in accordance with the Purchasing Policy adopted by Council.
  - p) Authority to negotiate for the sale or purchase of land up to \$50,000 under Section 5.43(d) of the Local Government Act 1995.
  - q) Authority to issue building and planning approvals in consultation with the Environmental Health Officer.
  - r) Power to enter land for any purpose authorised by the Local Government Act or any other law.

### **13.4.12 INTERIM AUDIT REPORT for year ending 30 June 2007**

File: A14  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 22 August 2007  
Attachments: Interim Audit Report [lime green (2)]

#### **MATTER FOR CONSIDERATION**

To note completion of the interim Audit, and receive the report.

#### **BACKGROUND**

BJ Thomas of Anderson Munro and Wylie carried out the interim Audit on 16 and 17 July 2007.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.7.2 – requirement for Council have the accounts audited.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Ron Adams, Deputy CEO

#### **COMMENT**

There is no requirement for an Interim Audit Report to be dealt with by the Audit Committee.

From discussion with the Auditor, it is clear that there has been a very substantial improvement in the quality, consistency and keeping of records over the past 12 months, and additional lifting of standard in the past six months or so. I would like to acknowledge the work of Ron Adams, DCEO, Diane Hodder, Accounts and Rikki Sweetman, Rates for their efforts in this regard.

#### **Matters noted in the Interim Report –**

- Rates Notices – noted that this refers to rates issued in November 2006. Procedures put into place to ensure reconciliation
- Uncollectable rates – referred to Council August 2007 for write-off
- Unauthorised timesheets – noted, and staff advised of requirement for authorisation.
- Salary Sacrifice and Superannuation Guarantee Levy – noted. A standard form for the calculation of salary sacrifice both superannuation and other matters, has been prepared, with provision for noting the details of SGL calculations
- GST – corrected
- Job costing – discrepancy in hours noted Review of plant operation rates recently carried out and changes implemented for 2007-08
- Engineering supervision costs – noted
- Compliance – noted that these were dealt with in February 2007, and reported to Council.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That the Interim Audit Report, and the actions of the administration be noted

### **13.4.13 ROAD TRAINS ON YALGOO-NINGHAN ROAD**

File: R11-69  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 22 August 2007  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider action to maintain the condition of the Yalgoo-Ninghan Road

#### **BACKGROUND**

On 13 August, Cr O'Connor contacted me regarding the condition of the Yalgoo-Ninghan Road following recent rains in the area.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.50 – closing of thoroughfares to vehicles, wholly, partially or to particular classes of vehicle.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Cost of maintenance of the Yalgoo-Ninghan Road

#### **CONSULTATION**

None

#### **COMMENT**

In recent times there has been several complaints concerning the Yalgoo-Ninghan Road, in relation to the condition of the surface after rains, and also objecting to the use of the road by road trains.

Although it has not been established with any degree of accuracy, it is presumed that much of the heavy vehicle traffic is servicing the Golden Grove Mine. There would also be other heavy transport users on the road as well. From a number of conversations, it appears that the volume of heavy traffic is also increasing over the gravel sections, and this assumption is supported by the increase in vehicle counts to the north of Golden Grove.

Council has essentially only a couple of methods of control of use of the road by heavy transport–

- to revoke permission to use the road, either for specific operators or generally
- to limit the conditions of approval to use the road – e.g. length and/or weight of the vehicle combination, weather conditions etc
- to close the road in certain conditions to all or certain classes of traffic
- issue infringements to those damaging the road.

Each one of these options has its drawbacks –

- revoke permission – puts more vehicles on the road as single trailer combinations are as of right, and cannot be prohibited
- limit approval conditions – again, may just result in more vehicle on the road, but as some loads are indivisible, there would always be the need to allow over-size or over-weight in special circumstances
- temporary closure – although more frequent closure of the road in wet conditions could be advisable, but the office would need to rely on reports from the area as to the amount of rain, as conditions can vary quite a lot over the 150 or so kilometres, between the town and Ninghan
- Infringing – have to know who in order to issue an infringement notice, and be able to prove the matter if challenged in a Court

Council may wish to consider an amendment to the Property Local Law to provide for substantial penalties and recovery of costs should road damage be able to be proved to a specific person or company.

The single largest difficulty faced in giving effect to any decision of Council, is the enforcement, as some will undoubtedly take the risk of being caught. It is simple to arrange for signs to be erected advising of road closure, or to cancel a permit or to limit lengths and weights.

The Deputy CEO is arranging a meeting with Oxiana Golden Grove, following a recent conversation with Mr Javier Brodulka. Issues listed for discussion include –

- possible contribution to the reseal of the Yalgoo to Golden Grove section
- possible contribution to the construction and sealing of the Golden Grove to Ninghan section
- continuation of contribution to the Health Community Project

As Golden Grove expected lifespan is only a further 6-7 years until about 2013, there is a limited window to obtain their assistance to improve the condition of the road.

It is suggested that the most effective long term solution to the problems of road conditions, is to seek a substantial contribution from Oxiana to construct and seal the southern half of the road, as a matter of priority.

Even if agreed by Oxiana, it would still be a number of years before sealing of the full length of the road would be able to be completed.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

That a contribution from Oxiana Golden Grove for the construction and sealing of the gravel section of the Yalgoo-Ninghan Road be sought as a matter of priority.

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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**15. URGENT BUSINESS**

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**16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS**

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OFFICER RECOMMENDATION

That the meeting be closed to the public to consider the Confidential CEOs Report, the time being

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**16.1 RAILWAY STATION LEASE**

*Reason for Confidentiality –*

*Local Government Act s.5.23 (2) –*

*(b) personal affairs of any person*

*(c) a contract entered into by the Shire, and relating to the matter to be considered*

*(e)(iii) information about the business, professional, commercial or financial affairs of a person*

Confidential Report of CEO circulated under separate cover to all Councillors

**17. MEETING CLOSURE**

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